

# THE ARMY CORRECTIONAL SYSTEM

Subcourse Number MP 1025

EDITION D

United States Army Military Police School  
Fort Leonard Wood, Missouri 65473-8926

4 Credit Hours

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## SUBCOURSE OVERVIEW

This subcourse is designed to teach you the philosophy and structure of the Army correctional system. The lessons contained in this subcourse will enable you to understand the role of the U.S. Army corrections officer and non-commissioned officer and the management of U.S. Army detention and correctional facilities.

There are no prerequisites for this subcourse.

This subcourse reflects the doctrine which was current at the time it was prepared. In your own work situation, always refer to the latest official publications.

Unless otherwise stated, whenever a masculine pronoun is used, both men and women are included.

## TERMINAL LEARNING OBJECTIVE

**ACTION:** At the end of this subcourse you will have a working knowledge of the U.S. Army correctional system.

**CONDITION:** You will have this subcourse, paper, and pencil.

**STANDARD:** To demonstrate competency of this task, you must achieve a minimum of 70 percent on the subcourse examination.

## TABLE OF CONTENTS

### LESSON 1: HISTORY OF PENOLOGY

- Part A: Crime and Punishment
- Part B: Historical Development
- Part C: The Emergence of Penology
- Part D: Juvenile Institutions
- Part E: Other Developments in the American Penal System
- Practice Exercise

## LESSON 2: THE U.S. ARMY CORRECTION AND CONFINEMENT PROGRAM.

- Part A: Terminology
- Part B: U.S. Army Correctional Program
- Part C: U.S. Army Confinement Program.
- Practice Exercise

## LESSON 3: THE U.S. ARMY DETENTION AND CORRECTIONAL FACILITIES

- Part A: Terminology
- Part B: Management Foundation
- Part C: The USDB

## LESSON 4: THE MILITARY JUSTICE SYSTEM1

- Part A: Levels of Military Justice
- Part B: Prisoner Status
- Part C: Prisoner Rights
- Part D: Punitive Discharges
- Practice Exercise

## LESSON 5: EMERGENCY PLANS AND PROCEDURES

- Part A: Emergency Plans and Procedures
- Part B: Escape and Apprehension Plan
- Part C: Fires
- Part D: Emergency Plans for Fires
- Part E: Prisoner Disorders
- Part F: Emergency Plans for Prisoner Disorders
- Part G: Bomb Threats
- Part H: Emergency Plan for Bomb Threats
- Practice Exercise

## LESSON 6 MILITARY LEADERSHIP, ATTITUDINAL DEVELOPMENT, AND THE CORRECTIONAL SUPERVISOR

- Part A: Discuss the key role that leadership plays in an Army correctional facility
- Part B: Leadership Development
- Part C: Motivation
- Part D: Values
- Part E: Attitudinal Development
- Part F: Stress
- Part G: Military Leadership
- Part H: Leadership Attributes
- Part I: Interpersonal Communications (IPC)
- Practice Exercise

Examination

## LESSON 1

### HISTORY OF PENOLOGY

#### OVERVIEW

##### LESSON DESCRIPTION:

This subcourse is designed to teach the philosophy and structure of the Army correctional system. The lessons contained in this subcourse will assist in understanding the role of the US Army corrections officer and noncommissioned officer and the management of US Army detention and correctional facilities.

##### TERMINAL LEARNING OBJECTIVE:

**ACTION:** Define the history and philosophy of corrections institutions and the evolution of correctional activities in the US Army.

**CONDITION:** You will have this subcourse.

**STANDARD:** You must demonstrate knowledge of the task by scoring at least 70 percent correct answers on the final subcourse examination.

**REFERENCES:** None.

#### INTRODUCTION

When learning about modern confinement and correctional practices, it is best to start this study with an understanding of past concepts and practices in dealing with prisoners. The terms, prison reformatory, jail, and reform school are no doubt familiar. The fact that confinement in such institutions is now the universal method of dealing with convicted offenders is accepted.

#### PART A - CRIME AND PUNISHMENT

1. The use of institutions for extended confinement of offenders is a relatively recent innovation. It is chiefly a product of American influences. Until the later years of the eighteenth century, the usual method of dealing with convicted offenders was to impose fines and some form of corporal punishment. This ranged from public humiliation in the stocks or pillory; to whipping, branding, and other forms of mutilation; to execution.

2. Crime and punishment, in the final analysis, is a means of social control. An organized social group seeks redress for a wrong, an injury, or for a violation of law and custom. The taboos of primitive man and the criminal codes of civilized societies are based on the doctrine that a punishment can be found to fit the crime. In primitive times, however, the doctrine of punishment was to placate the gods as well as to achieve some measure of social revenge. Today, perhaps, the real psychological basis of punishment is social revenge. Retribution is largely motivated by the desire of the person or society wronged or injured for revenge.

3. Correction is the art of making right that which was wrong, a change that remedies an error or defect. Until the times of Henry II in 1164, imprisonment as a corrective measure for criminals was nonexistent. Cruel and, by today's standards, unusual corporal punishment were the only corrective measures known. During the reign of Edward I in the latter half of the thirteenth century, imprisonment came into extensive use and gradually replaced barbaric methods of corporal punishment, which previously had been used as the sole corrective measure.

4. Both imprisonment and corporal punishment existed side by side as corrective measures until, by the process of evolution, the latter faded into virtual nonexistence in civilized western society. The only vestige of corporal punishment that remains today in the United States, is the extreme form; the death penalty. Today's prisons are highly specialized institutions based on sound psychological and psychiatric principles for the treatment and rehabilitation of the convicted offender.

5. Primitive societies often attributed serious disasters, which affected them, as being imposed through the intervention of supernatural agencies. Thus, an earthquake or flood was attributed to the gods being displeased. Custom and tradition were regarded as necessary rules that had to exist to keep the gods appeased. Later on, these customs and traditions were modified into laws. When a member of society transgressed one of these rules, it was believed that the whole group would be exposed to the wrath of operating supernatural agencies. Thus, to protect the group, the offender was eliminated from the group, usually by execution or exile. Thus, continued survival of the social order was assured.

6. Today, the convicted criminal is removed from modern society for actions considered dangerous to the group, but such drastic means as recounted above are not used. At present, more than 1.3 million people are under correctional authority in the United States. Of these, only one-third are confined in institutions of one kind or another. Deeply embedded in the social thinking of the public is the belief that convicted criminals ought to be sent to prison. The public looks upon such convicted persons as a menace and seems to breathe a sigh of relief when the convicted persons are locked up. The average citizen has accepted the thesis, that a person who commits a crime is dangerous, and therefore, should be sent to prison for punishment as well as to deter others from committing the same offense.

7. This general belief on the part of the public is largely motivated by revenge. The better view, which has emerged, is that individualized treatment and rehabilitation of offenders is the appropriate policy. It is on this thesis that modern correctional facilities operate. This is not to say that everyone who commits a crime, by definition, is a dangerous criminal. Some are, and for these persons, long-term incarceration is the only alternative. However, there is no such thing as a common motive crime. The thief, burglar, rapist, murderer, habitual traffic violator, drug addict, corrupt politician, forger, drunk, deserter, Absent Without Leave (AWOL) Soldier, and conspirator may all be considered criminals. Nevertheless, for as many types of criminals as you can think of, some can, after paying their debts to society in some form, again be useful and productive members of society. It is to this need that the science of penology and the art of corrections address themselves.

8. It was long thought that recorded history was only a matter of some 3,000 years. Historians, however, have found written historical records that existed at least 4,000 years before Christ. A contemporary scholar has examined these earliest known written records and has concluded that these ancient people believed that man was prone to evil since his creation and, therefore, criminal

behavior could always be controlled by punishment. This is certainly one side of the coin regarding the nature of man, a debate which philosophers Locke and Rousseau wrote about extensively during the period that historians call the Enlightenment. It is a debate that continues today.

9. During prehistoric periods, the first form of society was the family group. There were no established laws or crimes. The head of the family made the laws for the group and the code was based upon survival.

10. Family groups eventually banded together into clans for mutual protection. Clans were very religious and quite superstitious. Certain acts that deviated from the established clan customs (or norms) were considered offenses that displeased the spirits.

11. The primary objective of punishment was to appease the displeased spirits and eliminate the offender from the group. Offenders were killed and cannibalism was practiced. Corporal punishment and banishment (exile) were used. Exile was a particularly harsh form of punishment, as the offender might well not survive on his own.

12. Clans eventually banded together into tribes. These primitive tribes had no written laws. The first known crime was patricide (the murder of one's father). Other offenses, such as the following, were violations of unwritten laws or taboos and were harshly punished:

- a. Incest.
- b. Cowardice.
- c. Slander.
- d. Sorcery.

13. Group and individual offenses were acts that displeased the gods and affected the group as a whole. Individual offenses were, of course, acts committed against an individual. This caused retaliation, and blood feuds among groups developed. The intent of the crime was never considered, only the effect. Primitive societies had no sheriffs to deal with crimes of an essentially private nature. Redress involved in righting the wrong.

14. The development of arbitration and compensation tended to stop blood feuds within society. Tribal elders acted much the same as a modern court, arbitrated differences, and established certain forms of compensation for alleged or proven offenses. The concept thus developed that an offender must pay for the injury in order to stop feuds.

15. The Progress of Society into Kingdoms. Kings became all-powerful because they were believed to be either direct descendants from the gods or ruled by divine right. The King of Babylon, Hammurabi, promulgated the first known written law. This code emphasized the responsibility of the individual to the group or society. The code was an illustration of the importance of putting into writing certain significant matters, such as contracts and marriages.

16. The people of Hammurabi's realm were acquainted with most of the types of crime familiar to us today. Crimes described in the code included robbery, murder, and a wide variety of other

crimes against persons and property. Kings delegated the authority to certain agencies to execute punishment. Crimes were considered to be offenses against the king and the gods. Punishment continued to take the form of execution, thus affording vengeance as well as acting as a deterrent. Moses, one of our earliest lawgivers, originated the code of an eye for an eye. While there was still a strong motive of retribution, gradually the intent of the offender began to be considered.

17. Crimes formerly settled by blood feuds became recognized as offenses against the king's peace and were matters to be settled by public authorities rather than by individuals.

#### PART B - Historical Development.

1. It is a common misconception that incarceration has been a standard type of punishment since time immemorial. Incarceration in dungeons was employed only for detention purposes before a trial and infliction of the real punishment.

2. The advent of Christianity and the influences of the church on western civilization resulted in the addition of a religious philosophy to the development of corrections. For example, individuals were often made to serve a period as monks in repentance for their sins.

3. In addition to incarceration in castle-type facilities, the use of deportation became a means of punishment. The first English law authorizing deportation was passed in 1557. In 1619, James I directed that 100 dissolute persons be sent to Virginia. (Some of our earliest colonists, therefore, were criminals.) In 1678, judges were empowered to deport certain traitors to America. From 1678 until the beginning of the American Revolution, some 15,000 to 100,000 persons were deported to America. Masters of vessels often sold convicts to the highest bidder in the colonies. Some deportees or convicts had considerable education for the times and became tutors and educators.

4. Separation of the original 13 British colonies from the mother country in 1776 stopped the deportation of convicts to America. (The British, however, still used deportation to such countries as New Zealand and Australia.) When deportation to America stopped, there were not enough jails in England to hold the prisoners. Convicts were placed in old boats or hulks and were then transported to other locations.

5. French penal colonies imitated the British scheme of deportation as early as 1791. French convicts were sent to Guiana and New Caledonia. Convicts sent to New Caledonia in 1864 were put to work on roads and in sugar refineries owned by planters. Early accounts tell us that they made poor workers. About 20,000 persons were deported between 1864 and 1893. Some of these lifers were still alive as recently as 1942. Efforts to found penal colonies in Guiana go back to 1763. During one of these early experiences, almost 14,000 people died.

6. The French still deport prisoners. Some of the most degrading and brutal conditions imaginable are still found in French penal colonies, surpassed perhaps only by the Siberian convict camps.

7. Russia began exiling convicts to Siberia as early as 1648. Siberian convict camps constitute one of the most brutalizing and degrading penal systems ever devised. Two types of exile existed under the Siberian system: those convicts considered to have forfeited all civil rights and those who retain civil rights only after undergoing long terms of penal servitude. During their incarceration, convicts lost all property. Convicts were considered legally dead and wives could remarry. Under certain

circumstances, wives could accompany their husbands into exile. Convicts worked from 7 a.m. to 5 p.m. in winter; 5 a.m. to 7 p.m. in summer.

8. The cliché, “back to the salt mines” has its origins in one of the types of labor Siberian convicts were forced to perform under slave labor conditions.

#### PART C- The Emergence of Penology.

1. During Reformation in England in 1557, the Bridewell workhouses were instituted. They were established to cope with the problem of caring for and punishing vagrants, beggars, and dissolute women. The correctional objective was hard work at disagreeable tasks to deter others from leading a life of idleness and crime. There was a spinning room, a mail house, a corn mill, and a bakery; and prisoners were paid for their labors. By 1579, 25 occupations were practiced. Besides discipline and hard work, other punishments such as whippings and restriction of diet were used. The Bridewell workhouses greatly influenced later development of the penitentiary.

2. In the seventeenth century, an early Greek philosopher originated the thesis that man was a free, moral, stubborn agent, and a victim of his own conscience regardless of his environment or discipline. This thesis still provides the foundation for many known criminal codes. This Greek thesis was first applied to crime in the seventeenth century.

3. In the eighteenth century, 1773, the Rulers of Ghent in Flanders erected a prison that was used primarily for housing and disciplining vagrants and beggars. The correctional objective was reform by hard work. Labor and solitude were used as forms of discipline and information. It was believed that these methods would cause offenders to repent and again become useful citizens. Prisoners were classified and segregated. They were kept under strict discipline, were taught trades, and were locked up at night.

4. John Howard, a great prisoner reformer, is known as the father of modern penal treatment. Mr. Howard traveled throughout Europe and the United States visiting prisoners. In 1779, he drafted and introduced into Parliament the Penitentiary Act of 1779. This act was based on four principles:

- a. A secure and sanitary structure.
- b. Systematic inspection.
- c. Abolition of fees.
- d. A reformatory regime.

5. In 1794, to implement the Act of 1779, a site for a new penitentiary was selected. Jeremy Bentham (a philosopher and social critic) prevailed upon authorities to permit him to erect a penitentiary after his own conception. Fortunately, for penology, it was never built. He called it a panopticon or inspection house. Plans showed something like a huge lantern covered by a glass roof with cells on the outer circumference facing the center. There was an apartment for the prisoners’ “keepers” in the center.

6. In 1812, the Millbank Institution was begun and it cost more than \$2,000 (an extraordinary sum of money for the time) and was capable of housing only 1,200 convicts.
7. Early in the nineteenth century, the English Quakers followed in John Howard's footsteps in effecting prisoner reforms. Elizabeth Fry, an English Quaker, was instrumental in originating prison aid societies.
8. Reformation in America began when the Walnut Street Jail in Philadelphia was authorized by an act of Pennsylvania Assembly in February 1773. Thus began a new era characterized by the concept of doing time. The new jail received its first prisoners in January 1776. It was the first real penitentiary in the world. Each prisoner occupied a separate cell and exercise yard to prevent interaction. (This is one of the primary characteristics of a penitentiary.) There was no segregation by age or sex. When outside the cell, prisoners were made to wear blinders and were led about much like draft animals.
9. The Philadelphia Society started the first reforms at the Walnut Street Jail. They did so by means of a petition to the legislature. The objectives were:
- a. Separation of debtors from other criminals.
  - b. Segregation of the sexes.
  - c. Total abolition of liquor from the jail.
  - d. The use of hard labor in lieu of solitary confinement.
10. The Pennsylvania System, 1829. Reform of the Pennsylvania criminal code had begun with the adoption of the state constitution in 1776, which directed the substitution of imprisonment for various types of corporal punishment. The outbreak of war, however, interrupted this progress and it was not until April 1794 that work on the revised code was completed.
11. The Western Penitentiary at Pittsburgh opened in 1826 and provided 190 individual cells. The objective was punishment by solitary confinement without labor. An act of the Pennsylvania Assembly in April 1828 provided that the prison would be operated on the principle of solitary confinement and hard labor. Another act passed on February 27, 1833, directed that the cells be demolished and rebuilt. This act was never complied with.
12. The Eastern Penitentiary in Philadelphia opened in 1829, and was known locally as Cherry Hill. Its established cost was more than \$700,000. It had one of the most influential penal philosophies ever conceived by man. The objectives were based on the proposition that encouraged repentance. Prisoners lived, slept, read the Bible, received moral instruction, and worked in their cells except for an hour a day that was set for exercise. This philosophy became widely known as the solitary system. The system failed for many reasons among which were the deadening and demoralizing effects of loneliness and monotony; it was difficult to keep prisoners apart, the system was expensive to maintain, and many prisoners became insane.
13. The Auburn System was established in 1821 in New York. It was initially an adaptation or variation of the Pennsylvania System. The System was known as the silent system. Prisoners



worked in shops together during the day, but were locked in individual cells at night. The objectives of the system were punishment and reformation by strict discipline, work, and confinement. It was the first system to become self-supporting. The Auburn System is significant because it became the foundation of the modern penal system.

14. The Pennsylvania and Auburn Systems weren't without controversy. Chief adversaries were the Boston Prison Discipline Society and the Philadelphia Society for Alleviating the Miseries of Public Prisons, both of which disparaged the Auburn System and championed the Pennsylvania System. Nevertheless, the Auburn System prevailed in America with all states except Pennsylvania adopting it. The Pennsylvania System, however, remained attractive to many and was successfully exported to Europe where it was embraced and remains the basis for many of today's European systems.

15. New systems emerge.

a. Captain Alexander Maconochie 1787-1860, eliminated the old flat-time sentence and introduced sentence commutation through a combination of good behavior and industry. He started the Mark System—marks charged against individuals who redeemed them by good conduct, labor, and study.

b. Richard Whately popularized the indeterminate (or indefinite) sentence, 1787-1863.

c. The French publicist, Mr. Bonneville de Mar Rangy, first advocated the Parole System in 1846. At the time, this was viewed as a compromise between an absolute pardon and the execution of the entire sentence.

16. The Mark System, Parole System, and indeterminate sentence were combined to form the famous Irish System. In 1854, Sir Walter Craffton became director of Irish convict prisons. He attracted the attention of penal authorities throughout the world. His intermediate prison was a process of promotion of prisoners, from stage to stage, depending upon their accumulation of marks or credits. Features of this system endure today in the process of prisoner custody grade classification.

17. The Irish System gave rise to the Reformatory System concept in America. This was the beginning of a new era. Overcrowding, which had become evident in the late 1860s, necessitated additional construction. These new institutions became known as reformatories.

18. The Elmira Reformatory was created in 1876 at Elmira, New York. This institution was limited to prisoners between age 16 and 30 who had been convicted for the first time. The term of incarceration depended upon the progress of the prisoner. The system stressed reformation rather than serving the sentence until expirations were graded and classified according to their conduct. Military music was played and regimentation was stressed. Religious training for moral development was also stressed. The Reformatory System was based on the philosophy that prisoners expected and needed strict discipline and some sort of trade. Thus, we find the basis for rehabilitative training, which endures to this day. Although it appeared to be an enlightened system, the Reformatory System has serious defects:

- a. As it was not for adults over 30 years of age, its programs and philosophies applied only to a small fraction of convicted criminals.
- b. No provisions were made for the social or political education of inmates.
- c. It did not provide the proper surroundings to expedite reform. It was structured as a maximum-security prison.
- d. Inmates were generally dealt with as a group rather than as individuals.
- e. There was a persistent preoccupation with mere custody and security, which seemed to stifle all ingenuity and enterprise. As a result, it quickly became a junior prison.

#### PART D - Juvenile Institutions.

1. The earliest movement on behalf of destitute, neglected, and exposed children was made in Halle, Germany in 1695 by August Hermann Francks. In 1704, Pope Clement XI erected a church prison for delinquent boys in Rome called San Michele. Specialized treatment of juveniles originated in Switzerland in 1746 where Johann Heinrich Pestalozzi became widely known for his innovative programs.
2. The Parkhurst Act, passed in England in 1838, is significant in that it was the first step taken by a modern state to establish a separate correctional system for juveniles and youthful offenders. It was a substitute for the deportation of youth offenders. Parkhurst was abolished as an institution for juveniles in 1864. By the middle of the 19th century, England had a large number of private agencies in child-saving work. The local magistrate selected the school to which children were to be sent. School authorities could refuse to accept any offender they thought would not be adaptable to the program selected for him.
3. In America, the introduction of a true juvenile establishment in the United States was due to the work of John Griscom, 1774-1852. The Society for the Reformation of Juvenile Delinquents established the New York House of Refuge in 1825 at Madison Square, New York. Its objective was instruction rather than punishment for past misdeeds. A second institution was opened in Boston in 1826 and a third was opened in Philadelphia in 1828. All were semiprivate.
4. Prior to 1840, houses of refuge in England were built like prisons with cell-like dormitories, barred windows, and so forth. In 1840, cottages displaced this type of institution. Cottages housed about 25 to 40 persons each. There were no exterior walls, bars, or cells. The objective was to provide family-type units, self-government, and hard work on farm projects. This system spread to America and took root in the institution for girls at Lancaster, Massachusetts, in 1854.

#### PART E - Other Developments in the American Penal System.

1. During 1870-1900, additional prisons were constructed in 16 states. All of these were of the Auburn type and were not particularly unusual except that cells were provided with plumbing, running water, and ventilating systems. Most of them introduced some kind of rudimentary educational program, including a prison library.

2. Until the last decade of the nineteenth century, the federal government had no prisons of its own. Federal offenders were confined in state prisons. The first federal prison was originally established at Rock Island Arsenal, Illinois. Congress shifted the facility to Fort Leavenworth, Kansas in May 1874. On 1 July 1895, the Department of Justice took over the military prison at Fort Leavenworth, Kansas. The second federal prison was opened and occupied in Atlanta, Georgia in 1902.

3. From 1904 to 1935, the population of state prisons increased by 140 percent, so that by 1935, there were more than 126,200 inmates in state prisons and reformatories. To meet this great increase, old facilities were expanded and 11 new state prisons were built.

4. Federal institutions were also subjected to population pressures. In 1925, Congress authorized the construction of two reformatories, one for women in Alderson, West Virginia, and the other for men in Chillicothe, Ohio. In 1930, Congress created the Federal Bureau of Prisons, and Sanford Bates became its first director.

5. As the prisons continued to adopt the reformatory philosophy, though few of its practices, the reformatories began to resemble prisons more and more. The program in almost every prison during this period was custodial, punitive, and industrial. The adoption of cellular confinement had largely eliminated the plan for classification and moral instruction, which had been characteristic of the American prisons prior to 1900. Noncommunication, which was the goal for both the Pennsylvania and Auburn System, vanished with the development of prison industries in congregate workshops. Thus, except for changes in housing, imprisonment for the vast majority of inmates during this period became what it was 100 years earlier. Meanwhile, decline in the enthusiasm for the reformatory program and the necessity of keeping prisoners employed to prevent trouble and to help pay expenses, made industry the mainstay of the penitentiary system.

6. Under the combined pressures of organized labor, public opinion, and restrictive legislation, prisoners were forced to modify their industrial programs. The Hawn-Cooper Act of 1929 and the Ashurst-Sumners Act of 1935 are two examples of restrictive legislation. After the decline of prison industries, the casework method was stressed in American penology.

## **SUMMARY**

It is often said that the true course of history does not run smooth. This is certainly true about the development of the modern American penal system. Attempts have been made for the better part of the last 200 years to develop prisons as agencies of moral instruction, as educational institutions, and finally as industrial centers. In each instance, the attempt failed for a variety of reasons.

The pattern of what would seem to be repeated failures in the American penal system should not give rise to defeatism. Nor should temporary setbacks, to include patterns of riot and disorder, cause us to write off the American penal system as an utter failure and prompt a great outcry for a return to something like the Pennsylvania System. Just as crime is a complex problem with a variety of root causes and manifestations, so too is penology a complex field.

Many of the concepts covered in this lesson are embodied in Army regulations and doctrine, which promote the uniform application of procedures and methods that can be used to either restore the convicted Soldier to duty or return him to society as a useful and productive member.

## Lesson 1 Practice Exercise

The following questions are multiple choices and/or true/false. You are to select the one that is correct. Show your choice by CIRCLING the letter beside the correct choice directly up the page. This is a self-graded lesson exercise. Do not look up the correct answer from the lesson solution sheet until you have finished. To do so may hinder your ability to learn this material. Also, your final examination score will tend to be lower than if you had not followed this recommendation.

1. The Elmira Reformatory was established in 1876 and was responsible for:

- A. Originating prisoner aid societies.
- B. The solitary system.
- C. Confinement of delinquent boys.
- D. Rehabilitative programs.

2. Elmira Reformatory was used only for long-term offenders.

- A. True.
- B. False.

3. The Walnut Street Jail is noted for being:

- A. Called the inspection house.
- B. The first real penitentiary in the new world.
- C. Established by Jeremy Bentham.
- D. The first penitentiary to segregate prisoners by age and sex.

4. The Walnut Street Jail practiced the solitary system.

- A. True.
- B. False.

5. The first federal prison in America's history was Fort Leavenworth.

- A. True.
- B. False.

6. The first system to become self-supporting was the:

- A. Pennsylvania System.
  - B. Irish System.
  - C. Auburn System.
  - D. Colonial Period.
7. John Griscom is responsible for:
- A. Halfway houses.
  - B. True juvenile establishments.
  - C. Classification of prisoners according to conduct.
  - D. Educational programs.
8. The Parkhurst Act is responsible for establishing a:
- A. Separate correctional system for juvenile offenders.
  - B. Religious training program in confinement.
  - C. Foundation for the modern penal system.
  - D. System of indeterminate sentencing.

## ANSWER KEY AND FEEDBACK

1. D. Rehabilitative Programs.

The system stressed reformation rather than serving sentences until expiration. Thus, we find the basis for rehabilitative training, which endures to this day (page 10).

2. B. False.

The term of incarceration depended upon the progress of the prisoner (page 10).

3. B. The first real penitentiary in the new world.

It was the first real penitentiary in the new world (page 9).

4. A. True.

Each prisoner occupied a separate cell and exercise yard to prevent interaction. (page 10)

5. B. False.

The first federal prison was originally established at Rock Island Depot, Illinois; Congress shifted the facility to Fort Leavenworth, Kansas in May 1874 (page 12).

6. C. Auburn System.

It was the first system to become self-supporting (page 10).

7. B. True juvenile establishments.

Introduction of a true juvenile establishment in the United States was due to the work of John Griscom, 1774-1852 (page 10).

8. A. Separate correctional system for juvenile offenders.

The Parkhurst Act is significant in that it was the first step taken by a modern state to establish a separate correctional system for juveniles and youthful offenders (page 11).

## LESSON 2

### THE U.S. ARMY CORRECTIONAL AND CONFINEMENT PROGRAM

#### LESSON DESCRIPTION:

This subcourse is designed to teach the philosophy and structure of the Army correctional system. The lessons contained in this subcourse will assist in understanding the role of the US Army corrections officer and noncommissioned officer and the management of US Army detention and correctional facilities.

#### TERMINAL LEARNING OBJECTIVE:

- ACTION:** Demonstrate a working knowledge of the basic concepts of the Army correctional and confinement system.
- CONDITION:** You will have this subcourse.
- STANDARD:** You must demonstrate knowledge of the task by scoring at least 70 percent correct answers on the final subcourse examination.
- REFERENCES:** AR 190-47

### INTRODUCTION

Today, Army corrections have embarked upon a journey acclaimed by many as a new era in correctional treatment concepts. More meaningful correctional treatment methods than have previously been used are now in actual practice in military confinement and correctional facilities. The words, actual practice, are stressed, as there is often a considerable amount of rhetoric between theory and practice. What the Army does—works, and it works quite well. It is no longer satisfactory for the military to imprison its offenders and either return them to duty, presumably wiser as a result of their experience, or merely discharge them to civilian life if they cannot be returned to duty.

#### PART A - Terminology

1. Only during recent years has the Army attempted to transform the unhealthy or antisocial actions of those convicted into the proper actions of good Soldiers and citizens. The Army does this by focusing its efforts and attentions on correcting the behavior of the military offender such that the offender returns either to duty or to the civilian community as a law-abiding citizen with a heightened sense of responsibility.
2. To better develop and increase understanding of the material in this lesson and the lessons to follow, become completely familiar with:
  - a. **Adjudged Prisoner:** An enlisted military member, a US Military Academy cadet, or civilian, in confinement whose sentence has not been ordered into execution. Pursuant to a sentence adjudged by a court-martial.

b. **Appropriate Commander:** Normally the commander of the Army installation upon which the confinement facility is located. The term will also, if appropriate, apply to the commandant of a disciplinary barracks, Commanding Officer of a correctional training facility, commander of an Army hospital operating a hospitalized prisoner ward, or other commander charged with the operation of an Army confinement facility.

c. **Casual Prisoner:** Any prisoner held in confinement pending disposition instructions from other commands or who is awaiting transfer to a designated facility or return to parent unit.

d. **Commander:** The officer appointed by appropriate orders as the Commanding Officer of an Army Confinement System (ACS) facility. Responsible for the facility's administration and a. operation. Also oversees the custody, control, and correctional treatment of prisoners assigned to the facility.

e. **Confinement:** The physical restraint of a person.

f. **Convening Authority:** The person who convened a court, a commissioned officer commanding for the time being, a successor in command, or any person exercising general courts-martial jurisdiction who is authorized to take initial action as convening authority on a record of trial of a court.

g. **Convening Authority Approval:** Refers to the acting on the findings and sentence of a court-martial by the convening authority that may approve only such findings of guilty and sentence, or such part or amount of the sentence, as he finds correct in law and fact and as he, in his discretion, determines should be approved. Unless he indicates otherwise, approval of the sentence is approval of the findings and sentence. A sentence of a court-martial may not be executed until approved by the convening authority. In addition to this approval, certain sentences may not be executed until approved or affirmed by higher authority as discussed below.

h. **Correctional Custody:** The physical restraint of a person during duty or nonduty hours, or both, imposed under Article 15, Uniform Code of Military Justice (UCMJ). It may include extra duties, fatigue duties, or hard labor. Periods of correctional custody in excess of seven days may be carried out on an installation or comparable level under supervision of the provost marshal. Correctional custody is not confinement. Persons undergoing correctional custody are not prisoners and they are handled separately and in a different manner from prisoners. Soldiers undergoing correctional custody will not be placed in confinement facilities under any conditions.

i. **Correctional Holding Detachment (CHD):** CHDs and Personnel Control Facilities (PCFs) provide the organizational structure against which the Army prisoners confined in the ACS are assigned.

j. **Correctional Treatment:** A plan of custody, employment, training, and treatment adapted to the needs of the individual prisoner.

k. **Court of Military Appeals:** Refers to the United States Court of Military Appeals established under Article I of the Constitution of the United States. It is located, for administrative purposes only, in the Department of Defense. The court consists of three judges appointed from



civil life by the President, by and with the advice and consent of the Senate, for a term of 15 years. The Court of Military Appeals shall review the record in the following instances:

(1) All cases in which the sentence, as affirmed by a Court of Military Review, affects a general or flag officer or extends to death.

(2) All cases reviewed by a Court of Military Review, which the Judge Advocate General orders sent to the Court of Military Appeals for review.

(3) All cases reviewed by a Court of Military Review in which, upon petition of the accused and on good cause shown, the Court of Military Appeals has granted a review.

(a) The accused has 30 days from the time he is notified of the decision of the Court of Military Review to petition the Court of Military Appeals for review. The court shall act upon such a petition within 30 days of receipt. The officer immediately exercising general court-martial jurisdiction over the command that includes the accused will notify the judge advocate general by electrical or other expeditious means of communication of the expiration of the appeals period only when an accused officer prisoner does not file a timely petition for grant of review. This is not applicable to warrant officers.

(b) In any case review, the Court of Military Appeals may act only on the findings and sentence as approved by the convening authority and as affirmed or set aside as incorrect in law by the board of review. In a case that the judge advocate general orders sent to the Court of Military Appeals, action need be taken only with respect to the issue raised by the judge advocate general. In a case reviewed upon petition of the accused, action need be taken only with respect to issues specified in the grant of review. The Court of Military Appeals shall take action only with respect to matters of law.

(c) If the Court of Military Appeals sets aside the findings and sentence, it may, except where the setting aside is based on lack of sufficient evidence in the record to support the findings, order a rehearing. If it sets aside the findings and sentence and does not order a rehearing, it shall order that the charges be dismissed.

(d) After it has acted on a case, the Court of Military Appeals may direct the judge advocate general to return the record to the Court of Military Review for further review in accordance with (IAW) the decision of the court. Otherwise, unless there is to be further action by the President or the secretary concerned, the judge advocate general shall instruct the convening authority to take action IAW that decision. If the court has ordered a rehearing, but the convening authority finds a rehearing impracticable, the convening authority may dismiss the charges.

1. **Court of Military Review:** A court established by the judge advocate general. It consists of three or more appellate military judges, either civilian or military. This court reviews the record of every court-martial in which the sentence was approved by the convening authority, including the death sentence, dismissal of an officer, dishonorable or bad conduct discharge, or confinement for 1 year or more. It also reviews any case affecting a general officer. The court's review is to affirm or deny the finding of guilt and to determine if the sentence, as approved, is proper and correct. The court has the authority to set aside the original trial and either order a new trial or dismiss the charges. After reaching and announcing a decision, the court forwards its

findings to the judge advocate general who instructs the convening authority to take action IAW the decision of the Court of Military Review.

m. **Detainee:** A suspect of a crime that is held in temporary custody by the military police while waiting for determination of further status.

n. **Dishonorable or Bad Conduct Discharge:** Applies to separation from the service of an enlisted member in pay grade E1 when adjudged in the sentence of a court-martial and as approved by the convening authority. In addition, the separation of a warrant officer (US Navy only) from the service by sentence of a general court-martial will also be by dishonorable discharge.

o. **Dismissal:** The separation from the service of commissioned officers and warrant officers under less than honorable conditions when adjudged by the sentence of a general court-martial.

p. **Federal Institution:** A penal or correctional institution under the jurisdiction of the Attorney General of the United States.

q. **Imposition of Restraint:** The moral restraint of a person by an order, not imposed as a punishment of an offense, directing the person to remain within certain specified limits. Confinement is the physical restraint of a person. Arrest and confinement are imposed in the following manner:

(1) An enlisted member may be ordered into arrest or confinement by any commissioned officer by an order, oral or written, delivered in person or through other persons subject to the UCMJ. A commanding officer may authorize warrant officers, petty officers, or noncommissioned officers to order enlisted members of his command, or subject to his authority, into arrest or confinement.

(2) A commissioned officer, a warrant officer, or a civilian subject to the UCMJ may be ordered into arrest or confinement only by a commanding officer to whose authority he is subject, by an order, oral or written, and delivered in person or by another commissioned officer. The authority to order such persons into arrest or confinement may not be delegated. In the case of commissioned officers, this privilege is usually reserved by the installation commander.

r. **Officer Prisoner:** An Active Army Officer who has been sentenced to dismissal (commissioned) or dishonorable discharge (warrant officer who is not commissioned) will not be discharged prior to completion of appellate review without the prior approval of the Commanding General (CG), Personnel Command (PERSCOM). A Regular Army (RA) officer whose sentence includes dismissal or dishonorable discharge may be returned to duty or processed for excess leave while appellate review is pending. An RA officer whose sentence does not include a dismissal or dishonorable discharge will be returned to duty upon release from confinement. A reserve officer whose sentence includes a dismissal or dishonorable discharge may be released from active duty prior to completion of appellate review, upon completion of confinement.

s. **Punitive Separation:** Applies to the forms of separation that may be adjudged by a court-martial. It includes dishonorable or bad conduct discharge or dismissal according to the status of the accused.

t. **Sentenced Prisoner:** A prisoner whose sentence to confinement has been ordered into execution by appropriate authority.

u. **Status of Prisoner:** Applies to the particular stage of the prisoner's judicial proceedings. Specifically, the terms that define prisoner status are detained, officer, adjudged, sentenced, and casual.

v. **Trial Records Disposition:** When the convening authority has taken final action in a general court-martial case, the entire record will be sent, including the action and the opinion or opinions of the Staff Judge Advocate General. When the sentence of a special court-martial is approved by the convening authority and includes a bad conduct discharge, whether or not suspended, the record must be sent to the appropriate Judge Advocate General to be reviewed by a Court of Military Review. All other special and summary court-martial records must be reviewed by a Judge Advocate of the Army, Navy, Air Force, or Marine Corps, or a law specialist or lawyer of the Coast Guard or Department of Transportation, and must be transmitted and disposed of as the secretary concerned may prescribe by regulation.

w. **Trustee:** Refers to prisoners in correctional facilities only considered to require little custodial supervision and who may be designated as local parolees. Prisoners in this category will be required to execute Department of Defense (DD) Form 512 (Installation Parolee Agreement). Parolees will be permitted to work and train within specified limits of the reservation, without guards or supervisors. Where practicable, provisions will be made to billet them outside the facility-fenced area.

## PART B - US Army Correctional Program

1. Specific authority for the confinement of members of the military service is granted by Congress. Chapter 47, Section 858, Title 10, US Code, provides for confinement in facilities under military control of the US Attorney General. In the Army, this provision is also stated as Article 58, UCMJ (Revised 1984). This article provides that—

Any sentence to confinement adjudged by a court-martial or other military tribunal, whether or not such sentence includes discharge or dismissal, and whether or not such discharge or dismissal has been executed, may be carried into execution by confinement in any place of confinement under the control of any of the Armed Forces, or in any penal or correctional institution under the control of the United States or which the United States may be allowed to use. Persons so confined in a penal or correctional institution not under the control of one of the Armed Forces are subject to the same discipline and treatment as those persons confined or committed under the courts of the United States, or of the state, territory, District of Columbia, or other place in which the institution is situated.

2. The Department of the Army has implemented the foregoing by setting forth specific instructions in Army regulations. For example, Army Regulation (AR) 190-47 (The Army Corrections System) defines the purpose and objectives of the Army correctional programs, the policies affecting Army confinement and correctional facilities, and the uniform treatment of

military prisoners. There are other regulations in addition to those few examples cited here. Field manuals, commonly referred to as FMs, set forth additional guidance that is not directive in nature.

3. The mission of the Army correctional program is to provide for the custody and correctional treatment of military prisoners pursuant to law and regulation. At first thought, our mission, as stated in the preceding sentence, is basically a simple proposition. But further reflection shows us the apparently simple sentence is really a complex statement. There are three key words or phrases in this sentence: custody, correctional treatment, and pursuant to law and regulation. To understand our mission, we must understand all parts.

4. For many people, including a few within the correctional program, custody is the only facet of the program. They believe offenders should be locked up away from the public and serve their sentence. They feel they are successful if they keep prisoners confined and prevent their escape. They are missing one key point. If a prisoner is released who, in actions and thought, is the same person confined, then nothing has been done for the person. The prisoner was only confined; not rehabilitated. However, before feeling that custody is not important, it must be remembered that custody is the key to successful corrections. For, if the person is not able to be kept in confinement, then rehabilitation will not be able to work. A person is confined by the courts, and confinement must be carried out. But, maintaining successful custody should not be the only satisfaction. The other parts of our mission: correctional treatment pursuant to law and regulation must also be strived for.

5. A follow up to successful custody is correctional treatment. Such treatment is the discovery of causes of criminal behavior through professional evaluation and study of the individual. It is also the application of corrective measures to eliminate conditions that contributed to the behavior and to improve the individual's capability and motivation for useful, law-abiding citizenship. Successful correctional treatment requires the prisoner to realize that he has committed a wrong act and, through his own efforts with the aid of correctional treatment, that he can correct or redirect his behavior so he can assume his duty as a useful Soldier. The prisoner must understand his personal problems, the causes of behavior resulting in his confinement, the necessity for changing his attitudes, and the need for directing his efforts to conform to the requirements of the service. These goals must be attained through professional evaluation, counseling, training, useful employment, and welfare activities. Particular emphasis will be given to helping prisoners solve their problems and develop improved attitudes. Correctional treatment is based on the premise that all individuals are worthwhile and that their dignity as individuals must be respected.

6. The third key part of our mission statement is the phrase, pursuant to law and regulation. Never forget one basic truth. The military police and their efforts are always to support and respect the laws. They do not determine the innocence or guilt of persons placed in their charge. That is the responsibility of the courts. The job of the military police is to work with the legally confined persons and do all that can be done to change the attitudes and behavior of the prisoners. Military police do not administer on the spot justice; the courts do that. Military police will never be able to teach prisoners to obey and respect the law if they, themselves, violate these same laws in dealing with offenders. Correction regulations are not written to limit activities, but to assist in the performance of duties.

7. At first thought, the purpose of confinement seems simple: to keep a person locked up for a specified period of time because the court has ordered it. But, if correctional treatment is to be

carried out, confinements has three valid purposes—maintain custody, reduce delinquency through problem solving, and acculturate prisoners.

8. The first purpose is to keep prisoners in custody. The laws and courts deprive persons of their freedom for committing certain offenses. This loss of freedom is the punishment for committing these offenses. But if this confinement is to serve any useful purpose, much more must be accomplished than merely locking them up. The time spent in custody must be used in helping them become productive citizens.

9. The second purpose is to reduce delinquency through problem solving. When saying the word delinquent, it is not speaking of just the youthful offender, but any person who neglects or violates duty or law. Delinquency is normally brought about by problems and misguided efforts to solve or overcome these problems. The most common offense in the Army is AWOL. Yet very few men go AWOL just for the pleasure of it. Almost always the cause of AWOL is some problem that the man feels he can solve by running away from the army or by going to the source of the problem. The same is true of other offenses. Few people commit crimes for pleasure; mainly, they seek ways to overcome problems. If no effort is made to help a prisoner solve his problems while in confinement, then the same person confined is released. If these problems caused the original delinquency, then there is little chance of reducing the delinquency while the problems exist.

10. After the problem-solving process is initiated, the third purpose appears. This is to acculturate the prisoner to the society to which he will return, whether it is in a military or civilian society. By the word acculturate, it is meant to cause change in the prisoner by providing exposure to the traits, beliefs, and knowledge of our society, hopefully resulting in the prisoner acquiring new and blended social patterns. Too many times comments of model prisoners are heard. The purpose is not to have the person adjust or change to the prison environment, but to prepare the prisoner to reenter society. The harsh regimentation of an earlier era literally destroyed a man's spirit, and upon release, the prisoner just could not fit into the responsibilities and standard of conduct of society. The final purpose then is not to produce model prisoners, but to turn out well-motivated Soldiers and citizens. All the efforts of correctional officers should be to help prisoners prepare to reenter military service or civilian life.

11. AR 190-47 prescribes rather precise policies for operation and management of correctional facilities. These policies can be summed up by the following five paragraphs.

a. Army confinement facilities will be operated and administered on a corrective rather than punitive basis. It is intended that every phase from reception to confinement be directed to the correction of the offender. This includes administering disciplinary measures for violations of established rules. In short, military prisoners will be treated in accordance with their individual needs with a view toward solving their problems and changing their behavior.

b. Military places of confinement will be administered on a uniform basis. This policy provides for uniformity so that when a prisoner is transferred from one facility to another, he will not require a lengthy period of adjustment. In addition, a correctional officer will be qualified by his confinement experience and training to function as a facility commander in any type of facility.

c. Military prisoners will not be subjected to any form of punishment while confined, except as specifically provided by law, regulation, and contained in the UCMJ. It is often necessary

to impose restrictions upon a recalcitrant person, but if this is done beyond approved measures, it ceases to be constructive and becomes counterproductive.

d. The dignity of the individual will be respected in the handling of military prisoners. Overemphasis and preoccupation concerning custody, repressive regimentation, and degradation in the handling of military prisoners is prohibited. Experience shows that belittling or harassing only creates more hostility.

e. Internment Resettlement Specialist and all other personnel assigned to operate and administer facilities will be selected IAW uniform criteria as established in applicable regulations. They will be specifically trained in procedures and techniques concerning leadership. Assuming such duties, they will be fully oriented to ensure complete understanding of the mission, objectives, and policies established by all applicable regulations. The purpose of this is to ensure that personnel assigned to confinement and correctional duties are well trained in all requisite elements of their jobs.

12. Experience in applying the mission, objectives, and policies covered in this lesson have led to the formation of several philosophies, or beliefs, that apply to successful correctional treatment. Acceptance of these philosophies will put the mind in the proper frame of reference to apply the knowledge of correctional treatment.

13. All behavior has a purpose and a history. No one ever commits an act, criminal or not, just for the sake of it or for no reason at all. One eats to satisfy hunger. One works or steals to satisfy the need for money. Virtually every act one performs, major or minor, has a purpose. By observing a person's behavior, it is possible to achieve an understanding of the needs and perhaps problems. A person's behavior is a reflection of his attitudes and beliefs. A big help to those working in corrections is not only the knowledge that behavior has a purpose, but also that, in most cases, behavior repeats itself or has a history. We have found by studies that the man who enters the Army with a history of problems with authority, perhaps reflected by a police arrest record, will probably continue to have these same problems. The person who habitually runs away from problems will probably continue this pattern, perhaps by going AWOL. But on the positive side, a man who enters the Army with a history of abiding within the standards and laws of civilian life will, in all probability, serve in an honorable manner and never be found in a confinement and correctional facility.

14. Another basic belief is that each person is the result of his total life's experience. Life in itself is a learning experience, and a person's attitudes, goals, and behavior are influenced by what he experiences in life and the environment in which he lives. The inner city resident does not think or act like the mid-western farmer, not because of a difference in intelligence, but because of a difference in experience. The inner city resident lives in an environment characterized by low income and poor living, and beliefs are shaped by his experiences. This fact is not important to a correctional officer's standards, but attempts should be made to understand how the prisoner will act under the circumstances.

15. Individuals have the capacity to change. This belief, coupled with those in the previous paragraph, is the basis for the entire correctional program. Even if the belief that a person can change is not accepted, one must accept the world experiences undergone in one's own life. Some of these experiences may have been education, marriage, religion, financial hardship, military

service, or perhaps military combat duty. Each of these experiences can influence and in all probability, changed one's outlook on life. This same philosophy should be applied to corrections. The time a prisoner spends in confinement should not be just a period of punishment, or loss of freedom, but a time in which positive influences can assist the prisoner in changing or modifying his attitudes, thereby changing or modifying his behavior.

16. Internment Resettlement Specialists deal with individuals with individual problems; it should always be kept in mind that there are no average prisoners, only individual prisoners. In today's world, individuality is a major part of everyone's life. Internment Resettlement Specialists should not fall into the trap of lumping prisoners through the impersonal use of them instead of he.

17. Prisoners are placed in confinement as punishment, not for punishment. Aside from a death sentence, the loss of freedom is the worst punishment that can be imposed. Imposing punishment is a function and right of the judicial system. Carrying out court-ordered confinement is a function of the Military Police Corps. The two should not be confused. US Army Confinement Program.

### PART C – US Army Confinement Program

1. The previous paragraphs have provided a general picture of how the Army correctional program is being conducted. It is now necessary to know something about the historical development of military confinement. In examination of the early history of military confinement, it would be discovered that military personnel guilty of minor offenses were confined in post guardhouses; those convicted of serious offenses were sent to central Army confinement facilities such as Governors Island, New York; and those convicted of very serious offenses were lodged in state-operated prisons. In some cases, even prisoners convicted of minor military offenses were sent to state-operated prisons.

2. It was because Soldiers convicted of some minor crimes were cast into prisons with prisoners who had committed robbery, murder, or other felonies that the Military Committee of the House of Representatives urged and gained the passage of a bill in 1874 that established a military prison at Rock Island Arsenal, Illinois. This prison operated until the federal prison system came into being in 1895. The bill was amended to place the prison at Fort Leavenworth. The actions that terminated the military prison were the government discussions, which preceded the establishment of the federal prison system. These discussions included the military prison and gave rise to members of the War Department and Congress noting that there were very few prisoners confined who had committed serious offenses requiring long-term confinement. In addition, it was observed that a large number of prisoners guilty of minor offenses were again being exposed to a small group of bad characters. On the basis of these circumstances, the military prison idea was terminated, causing the only military prison at Fort Leavenworth, Kansas, along with its worst offenders, to be transferred to the Department of Justice.

3. In 1904, the impropriety of confining military prisoners in civilian institutions was again studied, resulting in the Army returning to prison operations on 1 February 1906, when the prison at Fort Leavenworth was transferred back to the Army. Today, this facility gives the Army a significant confinement and correctional capability to meet long-term confinement requirements. In addition, the number of places that Army prisoners may be confined has been greatly increased since 1906 and consists of both military and federal facilities.

4. Pretrial confinement is not punishment. A person will not be placed in confinement solely to await the outcome of administrative discharge proceedings. Confinement, other than that adjudged by a previous court-martial, will not be imposed pending trial or retrial unless permitted by military law. It may be imposed because of the seriousness of the offense charged or the presence of factors making it probable that failure to confine would endanger life or property. While it is true that no facility commander can refuse to accept delivery of a prisoner upon receipt of properly executed DD Form 2707 (Confinement Order), and while this provision also applies to pretrial confinement matters, most commands have established policies or have promulgated regulations and directives to ensure that pretrial confinement authority is not indiscriminately used. Such local regulations, directives, or policies generally state that an officer of the staff judge advocate's office must endorse, by his signature, that the circumstances attendant to the particular case warrant pretrial confinement. This endorsement, when required, can be considered as part of a properly executed confinement order.

5. Prior to placing an individual in pretrial confinement, the commander ordering such confinement should inform the individual of the specific wrong of which he is accused. In the event the commander ordering pretrial confinement is unable to inform the individual prior to confinement, immediate steps will be taken to ensure the individual is informed of the specific wrong of which accused.

6. Pretrial confinement in excess of 30 days will be permitted only when personally approved in each instance by the officer exercising general court-martial jurisdiction. A prisoner placed in pretrial confinement will remain in such confinement until ordered released by proper authority.

7. Standards for determining the appropriateness of pretrial confinement and procedures for placing a person in pretrial confinement are set forth in AR 27-10 (Legal Services: Military Justice) or, where appropriate, in the applicable regulations of the other services.

8. A form of restraint other than confinement will be used whenever possible to control the activities of individuals awaiting trial. The authorities who may order confinement will limit the use of pretrial confinement to those instances when—

- a. Necessary to ensure the presence of the accused at the trial.
- b. The seriousness of the offense charged warrants confinement.
- c. Necessary to prevent the accused from committing acts of violence against themselves or others.
- d. The prisoner is in a casual status awaiting disposition instructions, from his parent organization, and it is considered necessary by the local commander to assure the prisoner's presence at the time of receipt of such instructions.

9. Immediate steps will be taken to inform the individual confined of the specific offense of which he is accused and the contemplated action to be taken against him, or the sentence of the court-martial adjudging a sentence to confinement.



10. The authority ordering an individual into confinement will send the confinement facility a properly completed DD Form 2707 (Confinement Order) when the individual is confined. The DD Form 2707 will contain the name, grade, and organization of the individual and the specific offense(s) of which the individual is convicted or accused. No facility commander will refuse to receive or keep any prisoner committed to his charge when the authority ordering the confinement furnishes a properly executed DD Form 2707 (Article 21a, UCMJ). When a prisoner is hospitalized in a medical facility under the command of the surgeon general, travel orders pertaining to the prisoner will be sufficient authority for confinement in the hospitalized prisoner ward and, upon release, for return to his designated place of confinement.

11. ACS commanders remain responsible for the control and correctional treatment of all prisoners confined in their facilities regardless of service affiliation. Other-service prisoners will be employed and receive professional services support at a level equal to that provided to Army prisoners.

12. Other-service prisoners in ACS facilities will be evaluated with respect to clemency, parole, and return to duty per DoDI 1325.7 and an appropriate Interservice Support Agreement (ISA). When disposition boards are conducted, the membership will include, at the option of the parent service, a member of the parent service.

13. The parent service of other-service prisoners in the ACS will be notified of all actual or alleged serious incidents, accidents, criminal acts, misconduct, or disturbances involving other-service personnel or prisoners through liaisons established according to service level ISA.

14. Other-service prisoners will be attached to an appropriate ACS facility for rations and quarters upon convening authority action approving the sentence. General court-martial convening authority will remain with the parent service until the prisoner is formally discharged. Upon execution of the prisoner's discharge, the prisoner will be reassigned to the General Court-Martial (GCM) authority of the Army facility in which the prisoner is incarcerated.

15. As established in the ISA, the services of prisoners confined in ACS facilities will:

a. Process service-unique administrative actions associated with prisoner shipments to other facilities and provide escorts required for their transfer.

b. Escort prisoners to and from ACS facilities for service-unique and service-directed requirements.

c. Provide service-unique administrative support for prisoners in ACS facilities to include maintenance of pay, health, and personnel and legal records.

16. Department of the Army, Provost Marshal General (DAPM) and the respective service headquarters will resolve issues involving other service prisoners requiring special management. Other-service prisoners recommended for transfer to a federal institution will be coordinated by DAPM. Concurrence of the appropriate service secretary is required.

17. ACS facilities will not be used to carry out correctional custody as defined in the Manual for Courts-Martial (MCM) (Part V, paragraph 5c 4), nor will correctional personnel (military occupational specialty 31E) be used to operate correctional custody facilities.

18. Based on operational requirements and programs, DAPM will determine place of incarceration for prisoners who are sentenced to more than 30 days. DAPM will develop and announce specific prisoner assignment criteria and direct prisoner transfers, as appropriate. Copies of changes in the assignment criteria will be forwarded to Clerk of Courts, ATTN: JALS-CCZ, US Army Court of Criminal Appeals, US Army Legal Services Agency, 901 North Stuart Street, Arlington, Virginia 22203.

19. During peacetime, the Army operates the United States Disciplinary Barracks (USDB) and confinement facilities for the confinement of prisoners. Rehabilitation training centers may be operated during wartime and periods of emergency IAW appropriate regulations.

20. Detention Cells (D Cells). Provide for the temporary detention of personnel under military police jurisdiction and the temporary confinement of military prisoners when a military corrections or confinement facility is not available. Detention will not exceed 24 hours, except in an exceptional circumstance such as that involving a transportation limitation.

21. When a person subject to the UCMJ is placed in confinement, the Army accepts full and complete responsibility for his physical safety and welfare. Confinement facilities with small prisoner populations may be operated by combining administrative functions and detailing other command personnel on an additional duty basis under supervision of qualified correctional personnel, as determined appropriate by the commander. Deviation from other provisions affecting the custody, control, and correctional treatment of prisoners is not authorized.

22. When a military prisoner is to be removed temporarily from the facility to undergo trial, or for other purposes, the commander of the facility will assure the safe custody, control, and welfare of the prisoner during such temporary periods. Normally, a prisoner who is to be removed from a facility for such purpose will be placed in the immediate custody of mature military personnel or senior noncommissioned officers of the confining unit, who will assure his physical welfare and humane treatment.

23. Soldiers ordered into pretrial confinement will be confined in Army confinement facilities whenever practicable. When memorandums of agreements/contracts are established, pretrial prisoners may be confined at any federally approved civilian confinement/corrections facility. Pretrial prisoners may not be confined at the USDB.

24. Hospitalized prisoners will be placed in a specifically designated medical treatment area for proper custody and control unless the hospital commander directs otherwise.

25. Members of the Armed Forces of the United States will not be incarcerated in immediate association with Enemy Prisoners of War (EPW) or other foreign nationals not members of the Armed Services of the United States, unless the EPW or foreign nationals are being detained under military control for suspected or proven criminal conduct.

26. The procedures of this and other Army regulations that address incarceration, restoration, clemency, and parole apply to female prisoners with the following exceptions:

a. ACS facilities designated for incarceration of female prisoners will be modified, to provide for separate living and personal hygiene areas from male prisoners.

b. Female prisoners will be incarcerated in ACS facilities when directed by DAPM.

27. Officers exercising court-martial jurisdiction will designate places of confinement IAW the policies set forth in AR 190-47. This action will not affect any commander's authority under the MCM, US, 1984 (paragraph 88) and the UCMJ (Articles 64 and 71[d]) to return the prisoner to honorable duty status. In determining the place of confinement, notice will be taken of the requirement that a prisoner whose sentence has not been ordered executed will not be subjected to conditions of confinement more rigorous than necessary to ensure his presence. In determining the place of confinement for officer prisoners, notice will also be taken of the fact that the right of an officer to privileges pertaining to his rank may preclude work assignments.

28. USDB is the ACS maximum custody facility that provides long-term incarceration for military prisoners for all services. It is the only ACS facility authorized to incarcerate permanently post trial prisoners with a prison sentence of death.

29. When sentence to confinement is approved and ordered executed: The accused will be confined in (name of facility) and the confinement will be served therein or elsewhere as competent authority may direct.

30. When sentence to confinement is approved but not ordered executed pending completion of appellate review: The accused will be confined in (name of facility) or elsewhere as competent authority may direct, pending completion of appellate review.

31. Except in those instances where suitable military ACS facilities are not available, all military prisoners will be incarcerated initially in military facilities. Authority to transfer prisoners to ACS or to federal institutions is retained by DAPM. Cost of transportation and subsistence incurred in the transfer of a military prisoner from place of trial to initial place of incarceration will be at the expense and responsibility of the losing unit. Any other subsequent place of incarceration for the convenience of the government, to include federal Institutions, will be at government expense.

32. Recommendations to confine ACS prisoners in federal institutions will be forwarded to DAPM. Incarceration of a prisoner in a federal institution may be approved regardless of whether the convening authority has approved the sentence to confinement. ACS facility commanders will deliver prisoners under their control to federal institutions. The commander of the losing facility will act as the custodian of all records of that prisoner confined in federal institutions.

33. Pretrial prisoners will be retained at a local ACS, other-service, or other federally approved civilian facility through completion of courts-martial. Eligible post trial Army prisoners will be expeditiously transferred to the appropriate correctional facility within 7 working days (coordinate with DAPM for Outside the Continental United States [OCONUS] facilities) following

courts-martial unless exceptional circumstances, as determined by the GCM Convening Authority, warrant deferring transfer.

### **SUMMARY**

What the ACS does—works, and it works quite well. As outlined in this lesson, it is no longer satisfactory for the military to simply imprison its offenders. The goal is to either return them to duty, presumably wiser as a result of their confinement experience, or discharge them to civilian life as productive citizens following a rehabilitative confinement.

## Lesson 2 Practice Exercise

The following questions are multiple choice and/or true/false. You are to select the one that is correct. Show your choice by CIRCling the letter beside the correct choice directly on the page. This is a self-graded lesson exercise. Do not look up the correct answer from the lesson solution sheet until you have finished. To do so may hinder your ability to learn this material. Also, your final examination score will tend to be lower than if you had not followed this recommendation.

1. The specific authority for confinement of military prisoners is granted by:
  - A. The Base Commander.
  - B. Congress.
  - C. Commanding Officer of the person ordered to confinement.
  - D. Trial Judge.
2. The mission of the Army correctional program is to provide for the:
  - A. Punishment of the military offender.
  - B. Removal of undesirables from the Army.
  - C. Custody and correctional treatment of military prisoners.
  - D. Correct training for all military personnel.
3. The accused has 30 days from the time he is notified of the decision of the Court of Military Review to petition the Court of Military Appeals for review.
  - A. True.
  - B. False.
4. Which of the following is NOT a prerequisite for pretrial confinement?
  - A. When it is necessary to ensure the presence of the accused at the trial.
  - B. When the seriousness of the offense charged warrants confinement.
  - C. When it is necessary to prevent the accused from committing acts of violence to himself and others.
  - D. When the commander does not want the remainder of his troops influenced by the conduct of the accused.

5. Only US Army prisoners may be incarcerated in Army confinement facilities.

A. True.

B. False.

6. In those cases where an individual prisoner's disciplinary and adjustment records indicate the need for removal from the USDB and transfer to a federal institution, who has the authority to approve such transfers?

A. Department of the Army, Provost Marshal General (DAPM).

B. Secretary of the Army.

C. Warden of the Federal Prison.

D. Judge Advocate General.

7. Members of the Armed Forces of the United States will not be incarcerated in immediate association with Enemy Prisoners of War (EPW) or other foreign nationals not members of the Armed Services of the United States, unless the EPW or foreign nationals are being detained under military control for suspected or proven criminal conduct.

A. True.

B. False.

## ANSWER KEY AND FEEDBACK

<u>Item</u>	<u>Correct Answer and Feedback</u>
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1.	B. Congress.
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Specific authority for the confinement of members of the military service is granted by Congress (page 19).

2.	C. Custody and correctional treatment of military prisoners.
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The mission of the Army correctional program is to provide for the custody and correctional treatment of military prisoners pursuant to law and regulation (page 20).

3.	A. True.
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The accused has 30 days from the time he is notified of the decision of the Court of Military Review to petition the Court of Military Appeals for review (page 17).

4.	D. When the commander does not want the remainder of the troops influenced by the conduct of the accused.
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A, b, and c are prerequisites for pretrial confinement (page 24).

5.	B. False.
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ACS commanders remain responsible for the control and correctional treatment of all prisoners confined in their facilities regardless of service affiliation (page 25).

6.	A. Department of the Army, Provost Marshal General (DAPM).
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Authority to transfer prisoners to ACS or to federal institutions is retained by DAPM (page 27).

7.	A. True.
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Members of the Armed Forces of the United States will not be incarcerated in immediate association with Enemy Prisoners of War (EPW) or other foreign nationals not members of the Armed Services of the United States, unless the EPW or foreign nationals are being detained under military control for suspected or proven criminal conduct (page 26).

## LESSON 3

### THE U.S. ARMY DETENTION AND CORRECTIONAL FACILITIES

#### OVERVIEW

##### LESSON DESCRIPTION:

The Army provides for the differing correctional needs of persons held for different periods of confinement by maintaining a two-tiered correctional system. Although the mission at all levels of the Army Corrections System (ACS) is to confine US prisoners and to provide correctional treatment, the mission emphasis is based on the length of time prisoners are to be confined and the facilities and services such confinement requires.

##### TERMINAL LEARNING OBJECTIVE:

**ACTION:** Demonstrate a working knowledge of terminology used in relation to ACS facilities and roles of correctional officers.

**CONDITION:** You will have this subcourse.

**STANDARD:** You must demonstrate knowledge of the task by scoring at least 70 percent correct answers on the final subcourse examination.

**REFERENCES:** AR 190-47

#### INTRODUCTION

The ACS is composed of confinement facilities, Regional Corrections Facilities (RCFs), and a centralized, long-term corrections facility, the USDB. This lesson is designed to assist in understanding the role of the US Army corrections officer and noncommissioned officer and the management of US Army Detention and Correctional Facilities.

##### PART A - Terminology.

1. RCFs provide multifaceted correctional treatment programs, vocational and military training, administrative support, basic educational opportunity, employment, selected mental health programs, custodial control, and training to prepare military prisoners for return to duty, if determined suitable, or to civilian society as a productive citizen.
2. RCFs provide local installation pretrial confinement support. Pretrial confinement from other installations may be coordinated through the DAPM-Military Police Department (MPD)-Corrections & Internment (CI).
3. In order to better develop and increase your understanding of the material in this lesson and the lessons to follow, it is required to become completely familiar with the following terms:



a. **Abatement:** Deduction of time from the term of a sentence to confinement, which may be earned for actual work employment, education achievements, life/property saving acts, or for services performed other than that normally associated with regular work assignment.

b. **Administrative Segregation:** The incarceration of a prisoner or prisoners apart from the general prisoner population done for the good of the prisoner or good of the larger population.

c. **Approved:** The term used to describe action taken when the convening authority sanctions the findings and the sentence or a part thereof.

d. **Close Confinement:** Refers to the confinement of prisoners under increased supervision and separate from the main prisoner group in quarters especially designated by the correctional officer for that purpose.

e. **Commander:** An officer appointed by appropriate orders as the commanding officer of an ACS facility. Responsible for the facility's administration and operation. Also oversees the custody, control, and correctional treatment of prisoners assigned to the facility.

f. **Contraband:** Any item accessible by a prisoner forbidden by law, regulation, or directive of the facility commander inside or outside the confinement/correctional facility.

g. **Correctee:** A term use to address and report personnel undergoing correctional custody.

h. **Correctional Custody:** The legal restraint of a person during duty or nonduty hours, or both, imposed as punishment under Article 15.

i. **Correctional Facility:** A facility providing correctional treatment to military prisoners to motivate them for return to military duty or return to the civilian community.

j. **Detainee:** A suspect of a crime that is held in temporary custody by the military police while waiting for determination of further status.

k. **Disciplinary Segregation:** The incarceration of a prisoner apart from the general population as a result of punishment for offenses committed while confined at an ACS facility.

l. **Escape:** Any instance of a prisoner breaching the authorized limits of military custody or incarceration before being released by proper authority.

m. **Earned Time (ET):** The abatement earned by prisoners through work performance, program participation, or extraordinary achievements, which is used to reduce sentence to confinement.

n. **Earned Time Detail (ETD):** Work programs that the facility commander designates as qualifying for award of ET.

o. **Earned Time Programs:** A program (e.g., alcohol or drug counseling) relating to rehabilitation for certain criminal activity that the facility commander designates as qualifying to be awarded earned time, or a service mandated program (e.g., remedial reading).

p. **Good Conduct Time:** Regulatory deduction from a definite term of sentence awarded to a prisoner for good conduct.

q. **Inoperative Time.** Any period(s) of time during which a prisoner is not credited with serving sentence to confinement.

r. **Installation Parolee:** Post trial custody grade prisoner requiring minimal custodial supervision.

s. **Management:** A process of establishing and attaining objectives to carry out responsibilities and consists of those continuing actions of planning, organizing, directing, coordinating, controlling, and evaluating the use of men, money, materials, and facilities to accomplish missions and tasks.

t. **Maximum Custody:** Classification assigned to newly arrived prisoners until an initial assignment board is conducted. In addition, the classification assigned to a prisoner considered requiring continuous correctional supervision or who is considered extremely violent or an escape risk.

u. **Minimum Custody:** Prisoner considered being sufficiently dependable as to require little correctional supervision.

v. **Mitigated Sentence:** A sentence that is reduced in either quantity or severity; its general nature remaining the same.

w. **Personal Deposit Fund:** A fund established at each correctional facility designed to accept and safeguard personal funds of prisoners.

x. **Post Trial Confinement:** Confinement adjudged by courts-martial including death or confinement.

y. **Pretrial:** Any person who is subject to trial by courts-martial and has been ordered by competent authority into pretrial confinement pending disposition of charges.

z. **Pretrial Confinement:** Physical restraint imposed by order of competent authority depriving a person of freedom pending disposition of charges.

aa. **Prisoner:** A person sentenced by a court-martial to confinement or death and ordered into confinement by competent authority whether or not the sentence has been ordered approved by the convening authority. A person placed into confinement by competent authority pending trial by court-martial is a pretrial prisoner.

bb. **Prisoner's Welfare Activities:** Welfare activities will include provisions for reading material and physical recreation facilities.

cc. **Report of Result of Trial:** After final adjournment of the court-martial in a case, the trial counsel will promptly notify the immediate commander of the accused, the convening authority, or the convening authority's designee, and, if appropriate, the Officer In Charge (OIC) of the confinement facility of the findings and sentence.

dd. **Restoration of Duty:** Procedures taken to restore a prisoner to duty whose court-martial sentence does not include a punitive discharge or includes a punitive discharge that is either suspended or unexecuted.

ee. **Sentenced:** An individual becomes a sentenced prisoner when the convening authority approves the confinement portion of the sentence.

ff. **Suspended Sentence:** A sentence or portion thereof held in abeyance by the commander who imposed the punishment or a successor in command.

gg. **Unencumbered Space:** Usable space that is not obstructed by furnishings or fixtures. In determining unencumbered space, all fixtures must be in operational position and must provide the following minimum areas per person: bed, plumbing fixtures, desk, and lockers.

## PART B - Management Foundation.

1. As in any activity requiring positive management organization, the Department of the Army has set forth specific regulations to accomplish the proper management of the Army Correctional System. The basic elements established for the Army confinement and correctional management are essentially command and staff responsibilities; organizational structures for each type of RCF, to include responsibilities and functions; and required confinement facility plant standards. The general role of these elements in the management foundation will be presented in the discussion that follows.

2. Delineation of responsibility is fundamental in the Army confinement and correction function for it enters into and affects the performance of all organic management. Delineation of responsibilities in confinement and correction rests largely on prior Department of the Army determinations having to do with required policies, activities, organizational structures, and necessary operating procedures.

3. The Assistant Secretary of the Army (ASA) for Manpower and Reserve Affairs (M&RA)) will exercise Army Secretariat oversight for Army corrections, parole, and clemency functions. Additionally, the ASA, M&RA has responsibility for the functions and operation of the governing body of the Army Corrections System, the Army Corrections Council, which is composed of the following members:

a. Deputy Assistant Secretary of the Army (Installations and Housing), Office of the Assistant Secretary of the Army (OASA) (Installations and Environment).

b. Senior Deputy Counsel, Office of General Counsel.

c. Deputy Assistant Secretary of the Army (Military Personnel Management & Equal Opportunity Policy), OASA (Manpower and Reserve Affairs (M&RA)).

d. Deputy Assistant Secretary of the Army (Army Review Boards).

e. OASA (M&RA).

f. DAPM.

g. Office of the Deputy Chief of Staff, G-1 (one representative).

h. Office of the Judge Advocate General (JAG) (one representative).

i. Office of the Assistant Chief of Staff for Installation Management (one representative).

j. Assistant Chief of Staff for Base Operations Support, US Army Training and Doctrine Command.

k. Surgeon General (invitational advisor only).

l. Chief of Chaplains (invitational advisor only).

4. The DAPM will provide policy for:

a. Annual technical staff inspections of ACS facilities under their jurisdiction.

b. Operational oversight for the ACS.

5. The Judge Advocate General (JAG) will provide advice on American Correctional Association (ACA) legal issues; provide advice on legal issues of confinement and corrections to the DAPM; and ensure that the necessary support is provided to meet the legal needs of prisoners incarcerated within the ACS.

6. The Surgeon General will establish procedures for ensuring availability of health care to prisoners in Army custody, consistent with that provided to active duty Soldiers. Transfers of prisoners, whether temporary or permanent, outside the Department of Defense (DOD), will be coordinated with and approved by DAPM.e.

7. The Chief of Chaplains will ensure the necessary support to meet the religious and pastoral needs of prisoners incarcerated within the ACS.

8. Commanders of Major Army Commands (MACOMs) will Implement and execute the ACS, as delineated in this regulation and announced by DAPM. Supervise the operation and administration of ACS facilities under their jurisdiction, per this and other applicable regulations. Provide logistical and budgetary support of ACS operations.

9. Commanders of installations having ACS facilities are responsible for the safe operation of local ACS facilities and will ensure compliance with the policies set forth herein. Pursuant to this responsibility, commanders will provide health, legal, religious, recreational, employment, educational, training, food service, and transportation support to ACS facilities on their installations consistent with resources available. The Correctional Custody Facility (CCF) OIC will ensure that correctional custody is properly administered. The commander of the installation medical activity will inspect health services and sanitation monthly, when the facility is occupied. The installation provost marshal will exercise staff supervision over the CCF and, when the facility is occupied, inspect it monthly.

10. Commanders of tactical organizations in the field are directly responsible for the administration and operation of confinement and correctional facilities operated by their organizations. In garrison, such commanders participate in the confinement and correction activities of the installation on which their organization is stationed only as far as personnel of their respective organizations are directly affected.

11. Commanders of subordinate units with personnel in confinement are responsible for supporting confinement and correction policies so far as they affect personnel of their units. They should visit each prisoner from their units at least once a month in order to assist personnel of the facility in matters relative to the welfare and morale of the prisoner. During these visits it will be necessary that they observe the prisoner and evaluate his attitude as a basis for a decision whether to recommend return to duty or elimination proceedings.

12. During initial orientation, newly assigned commanders of units often visit the area confinement facility to be briefed by the OIC of confinement procedures and the correctional treatment program. This briefing should emphasize to unit commanders their continuing responsibility to unit personnel who are in confinement.

13. Major Command Provost Marshals. Major command provost marshals are responsible for the staff supervision of confinement facilities located within their respective jurisdiction. Installation provost marshals are responsible for staff supervision of regional confinement facilities located on an installation under their jurisdiction. They supervise the implementation of all regulations pertaining to the administration and operation of such facilities.

14. The staff officers referred to in the following paragraphs have specific responsibilities and functions relative to confinement and correction activities that directly affect the operations of a facility and the correctional treatment process.

15. The adjutant and others concerned with personnel actions are responsible for the processing of recommendations for the administrative elimination of prisoners from the service. They contribute advice to the OIC of a facility and the unit commander concerned, relative to processing these recommendations.

16. The chaplain promotes the spiritual and moral welfare of prisoners through worship services, special religious activities, counseling, and emphasis on moral, ethical, spiritual, and social values. Works in both individual and group counseling. The chaplain is a trained counselor in religious, personal, and social matters. Is frequently able to establish a mutual understanding with individual prisoners more rapidly and effectively than other personnel.

17. The Inspector General may assist the facility commander by investigating complaints, allegations, and charges. Such actions frequently provide a basis for corrective action, as well as serving to discourage unfounded allegations by prisoners. Both the Provost Marshal (PM) and the facility commander should establish and maintain close liaison with the Inspector General. At times it will be desirable to have investigation of incidents occurring in detention facilities conducted by an agency other than one under supervision of a provost marshal. In such cases, the OIC of the facility should initiate a request for investigation by the Inspector General to the commanding officer of the facility.

18. The Staff Judge Advocate (SJA) serves as the legal advisor to the commander and to the facility's administrative staff. The SJA plays a major role in the confinement treatment of prisoners and in the administrative activities of confinement facilities. The SJA provides prisoners with legal services that include advice on military justice, legal assistance, status of cases, and status of sentences. The adjutant general is responsible for processing recommendations for the administrative elimination of prisoners from the service and advises the facility commander and the prisoner's unit commanders on procedures for processing.

19. The command of the local medical activity provides medical services for the prisoners. The medical services include the services of psychiatrists, psychologists, and social workers. They provide professional evaluations of prisoners and aid in developing confinement treatment programs. The medical activity commander also coordinates with the PM and the facility commanders to ensure that custody and control measures conform to medical requirements. They inspect each prisoner in close confinement daily and examine, approve, and sample portions of restricted diets. They perform the medical examination of newly confined prisoners and prisoners being placed in disciplinary segregation.

20. The medical staff also coordinates the operation of a hospitalized prisoner ward and the medical examination and treatment of prisoners with the correctional officer to ensure that the required custodial and control measures are compatible with medical requirements.

21. Technical service representatives aid in the training and employment programs of a confinement facility. Constructive work programs are beneficial to the prisoners' mental and physical wellbeing. Such programs may include skilled tasks required in the maintenance and operation of the installation. Work programs permit on-the-job and Military Occupational Specialty (MOS) training of prisoners in their military specialties and others. Carpenters, mechanics, painters, masons, and the like may be detailed for duty at the facility. Usually they are detailed for a minimum of 1 month and are trained in the duties and functions of their jobs, prisoner's behavior, and disciplinary authority and procedures.

22. The command and staff responsibilities discussed in the preceding paragraphs are primarily of a supervisory nature. The following paragraphs will identify the various subdivisions of an RCF and explain the duties and responsibilities of the personnel assigned to those sections. (See Figure 3-1)

23. Detention Facility Commander (Confinement Officer). An officer appointed by appropriate orders as the commanding officer of an ACS facility. Responsible for the facility's administration and operation. Also oversees the custody, control, and correctional treatment of prisoners assigned to the facility. Major functions include the following:

- a. Supervision of personnel assigned or detailed to the facility during their duty hours.
- b. Custody, control, administration, and correctional treatment of prisoners.
- c. Safeguarding and disposition of prisoner's personal property and funds.
- d. Providing for the employment and training of prisoners.
- e. Providing for the training of personnel assigned or attached to the facility.
- f. Coordination and liaison with unit commanders to obtain assistance in the correctional treatment and training of prisoners who may later be returned to duty.
- g. Coordination, liaison, and mutual assistance to command staff members relative to the confinement and correction program.

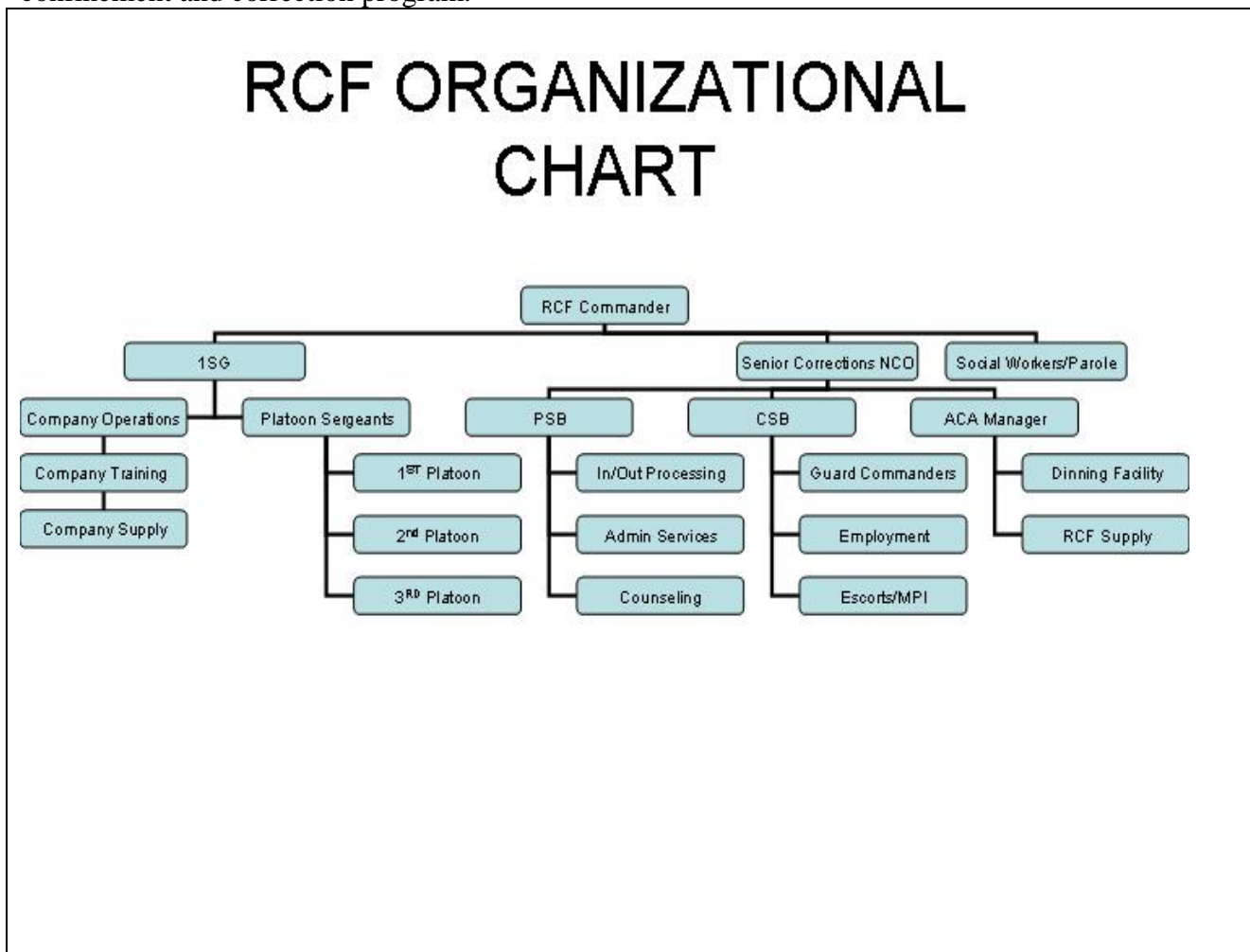


FIGURE 3-1. RCF ORGANIZATION

24. The senior confinement Noncommissioned Officer (NCO) assists in the administration and operation of the facility. Assists in the general supervision of the staff and the enforcement of rules and regulations. Supervises prisoner employment assignments. Informs the facility commander of incidents that affect the custody or morale of prisoners. And ensures control measures are enforced throughout the facility and in the hospitalized-prisoner ward. Major functions include the following:

- a. General supervision of assigned or detailed enlisted personnel.
- b. Administration of the facility and enforcement of pertinent regulations.
- c. General supervision of prisoner employment assignments.
- d. Reporting of incidents that affect the custody or morale of prisoners.
- e. Daily checking of control measures within the facility and hospitalized prisoner wards.
- f. Serving as First Sergeant of the US Army Correctional Holding Detachment.

25. The chief correctional supervisor has direct supervision over all confinement and custodial personnel within the facility. Monitors all aspects of custody, control, and confinement treatment within the facility and ensures that rules and regulations are followed and enforced.

26. The Counseling and Evaluation Section performs correctional evaluation of prisoners. Maintains frequent contact with the prisoners through counseling. Responsible for monitoring the installation parolee program, scheduling installation restoration and clemency boards, and providing a member of the section to act as recorder for those boards. The major functions of this section are discussed below.

27. Correctional evaluation. The counseling and evaluation section performs correctional evaluations to determine if an individual has the potential for restoration to duty if his separation from the service is indicated. A determination is also made as to appropriate disposition with respect to restoration to duty and mitigation, remission, or suspension of the sentence. Information is also gathered to aid in developing an individual correctional treatment plan which will include the following:

- a. Planning the program to achieve the desired results, to include necessary counseling, training, and employment.
- b. Dealing with the personal problems of the prisoner.
- c. Reviewing and modifying the plan when necessary.

28. An individual correctional treatment file (CTF) will be established for each prisoner to enable the counseling and evaluation section to perform continuous correctional evaluation of the prisoners on the basis of all pertinent available information. This file will be initiated by the prisoner service branch when the prisoner is processed into confinement. This file will contain facts concerning the prisoner's offense, habits, discipline, intelligence, aptitudes, personality, and potential for military



service. The recorded results of all interviews, observations, training, and employment involving the prisoner will be incorporated into the file as the basis for developing or changing the individual's correctional treatment plan. The correctional treatment file will contain, at a minimum, the following:

- a. Planning the program to achieve the desired results, to include necessary counseling, training, and employment.
- b. The prisoner's confinement order.
- c. The prisoner's court-martial order.
- d. A record of the admission interviews with the prisoner. This includes information on his background, offense, personality, aptitude, and interest. It also includes other pertinent matters that contribute to the development of a sound correctional treatment plan. Where practicable, trained social worker assistants (supervised by a social work officer), or counselors will conduct admission interviews.
- e. Recorded information from the prisoner's unit commander. This provides, as available, a summary of the prisoner's performance of duty, discipline, character, and attitudes while in the unit; his relationships with other members of the unit; and other factors pertinent to the prisoner or his offense.
- f. Recorded observations of correctional personnel who come in contact with or observe the prisoner, which would help to summarize the prisoner's attitude and behavior. Correctional personnel will be required to record and submit observations as soon as practicable after the observation is made.
- g. Reports of mental, hygiene, surgeon, chaplain, and judge advocate activities that concern the prisoner.
- h. Correspondence from individuals and agencies interested in or concerned about the prisoner.
- i. Records relative to previous offenses when obtained from the Federal Bureau of Investigation and other law enforcement or correctional agencies concerning the prisoner.
- j. Pertinent extracts from the prisoner's military 201 file and other applicable records.
- k. Reports of administrative disciplinary measures imposed on the prisoner and reports of incidents involving the prisoner.

29. All available data in the correctional treatment file will be evaluated by the counseling and evaluation section and the correctional officer to determine the correctional treatment required for each prisoner and the specific course of action to be taken by the facility staff. The first consideration will be whether the prisoner has a potential for further military service. If the evaluation indicates that the prisoner is unfit or unsuited for military service, administrative elimination may be considered, but the factors listed below should continue to be considered. If the

evaluation indicates that the prisoner has potential for further military service, the following factors, among others, will be considered in determining the specific correctional treatment to be used.

a. Employment program. Will the prisoner and the service benefit more from constructive group labor projects such as grading and installation maintenance, or from individual on-the-job training, which combines useful labor with further training and experience in his MOS or a different MOS?

b. Training. Does the prisoner require individual training in some areas in addition to group retraining?

c. Education. Does the prisoner have an educational deficiency, which can be remedied by available courses and facilities?

d. Medical. Does the prisoner possess physical deficiencies, which can be readily corrected by medical treatment? Is it considered advisable for the prisoner to participate in programs of the mental hygiene consultation service?

e. Religion. Does the prisoner need individual religious or character guidance counseling?

f. Leisure activities. Does the prisoner's personality and attitude indicate that he should be guided into a particular leisure activity?

g. Military and civilian welfare agencies. Does the prisoner have family or financial problems, which can be assisted by welfare agencies such as Army Emergency Relief or Red Cross?

30. When a specific correctional treatment plan has been established, continuous review of the plan is still required. The correctional evaluation process conducted by the counseling and evaluation section must continue throughout the prisoner's confinement. Changes in the prisoner's correctional treatment program must be made when warranted, particularly after sufficient time has elapsed to allow an adequate evaluation of the prisoner's response to counseling, training, and employment.

31. Prisoner counseling. The counseling and evaluation section uses counseling to assist prisoners in identifying and solving their problems and as a means of aiding them to change their attitudes and behavior. The counseling to be used consists of a series of contacts with a prisoner in which the prisoner is offered assistance in defining personal problems, seeking solutions, and changing attitude and behavior. From a technical standpoint, behavior-centered individual counseling will be used in preference to group counseling.

32. Corrections NCOs, MOS 31E, with training and experience in counseling, will perform most of the prisoner counseling at RCFs. Social work specialists, MOS 91G, under the supervision of a social work officer, will also be used to ensure a well-balanced counseling program. Correctional personnel are developed as counselors through training programs, participation in military and civilian resident or extension school courses, and by attendance at regional and national correctional conferences sponsored by federal, state, and other public agencies.

33. Those prisoners in need of special professional guidance are referred to professionally trained personnel by the correctional officer. Only members of the installation mental hygiene consultation service may perform psychiatric counseling of prisoners.

34. Prisoner Administration Services Branch. As a minimum, prisoner administrative services will include the following sections:

a. Records and Administration Section: This section provides for prisoner services activities and performs administrative functions required in the operation of the facility to include records and reports. This section ensures that all records and reports prescribed for administration tasks at Army detention facilities are prepared and maintained with the utmost accuracy, completeness, and attention to detail. This section establishes standardized operational criteria and procedures to ensure the effective preparation and maintenance of all records and reports. As a minimum, this section must ensure that its criteria and control procedures include the following:

(1) Privacy to preclude interruptions while personnel are interviewing prisoners to prepare records and reports.

(2) A complete set of current regulations pertaining to all phases of confinement and correction, management, administration, and operation.

(3) Policies and procedures that prevent correctional records from being accessible to the prisoners. They must ensure that prisoners are not allowed to work with those records.

(4) Records storage area readily available to administrative personnel.

(5) A processing guide developed to list pertinent references and necessary forms for assisting the entire administrative staff and to simplify control of records.

(6) A well-defined records and reports control system for assisting in the timely processing of records and reports. A visual control chart would also assist in training new personnel and simplify the delegation of duties within the administrative staff.

(7) Filed copies of all records and reports, particularly those in daily use. Procedures for achieving an efficient file system are as follows:

(a) Restricting the number of persons permitted to administer and handle the correctional treatment files.

(b) Requiring that receipts be signed for files taken out of the records storage area.

(c) Securely fastening all papers in the correctional treatment file jackets with metal fasteners.

(d) Ensuring that each file is accurately and clearly identified.

(e) Exercising care in filing papers in the proper jacket.

(8) A complete and accurate log should be maintained on inspections. The log should contain the date and time of each inspection; the names, grades, and organizations of inspecting persons; and pertinent comments made by inspecting personnel.

b. Prisoner Processing Section: This section provides for the administrative processing of prisoners upon confinement, release, or transfer.

c. Postal Section: This section provides postal services for prisoners, maintains prisoners' mail and correspondence records, inspects incoming and outgoing mail as required, and maintains prisoners' stamp accounts.

d. Property and Funds Section: This section provides the accounting for, safeguard of, and control of prisoners' personal property and funds. Prisoner's personal property and funds not authorized for retention in their possession are taken from them immediately after their acceptance into confinement, receipted, and processed as soon as possible. These items are held in trust for them during their confinement or disposed of, as will be discussed later.

e. Food Service Section: This section provides food services for all prisoners and other personnel as may be authorized to dine at the facility. The food served to prisoners is important for their morale, welfare, and discipline; therefore, the highest possible food service standards should be observed. Rations issued for use in prisoners' messes will be of the same type, quantity, and quality as those furnished for other enlisted personnel on the installation.

f. Supply Section: This section provides all supply services necessary in the facility. This includes the procurement, storage, security, maintenance, issue, and accounting of all supplies, clothing, and equipment required. Supply functions in a confinement facility are basically the same as those in any military unit; however, there are additional requirements peculiar to the facility. These requirements include procuring and issuing health and comfort supplies and using more stringent security measures to prevent supplies and equipment from getting into the hands of personnel not authorized to have these items.

g. Correctional Supervisor Section: This section supervises those prisoner custody and control functions performed by correctional supervisors and guards at main gates, vehicle gates, sally ports, and entrances to close confinement areas or installation hospitalized prisoner wards. It also supervises those custody and control functions within close confinement areas, prisoner barracks or congregate cells, hospitalized prisoner wards, prisoner messes, visiting areas, and exercise yards. This section is also responsible for the control of the circulation of individuals, conduct of necessary searches, shakedowns, inspections, and the security of gates, locks, and similar equipment. Other duties of the correctional supervisor section include:

(1) Attending prisoner training for the purpose of submitting reports of observation regarding prisoner conduct during training.

(2) Observing the prisoner work programs for the purpose of submitting reports regarding conduct and progress on work projects.

h. Prisoner Guard Section: This section supervises those prisoner control functions performed by tower, perimeter, and detail guards. These functions include preventing escapes, guarding the

perimeter of the facility, supervising prisoner work detail guards, and providing alarms in the event of emergencies. Personnel utilized by the prisoner guard section may be detailed for duty at the regional confinement facility from other units located at the installation. They will be detailed for a minimum period of 1 month and, where practicable, for a 3-month period. Only personnel who are physically qualified and meet certain mental standards will be detailed as prisoner guards. Prior to commencing duties as prisoner guards, detailed personnel must qualify with the weapon with which they are to be armed.

36. Facility management entails implementing or maintaining the standards required for the buildings and areas used for the administration of the facility and for the housing, training, and recreation of the prisoners. It is not possible or necessary to include a full discussion of architectural standards for new plant construction or modification of existing structures. Those standards are based on standard designs and construction criteria contained in Department of Army technical manuals as approved by the chief of engineers. It is, however, possible to present the following detention facility plant standards that have practical management applications.

37. Criteria to be used in determining space allocation for prisoners in Army confinement and correctional facilities are as follow:

a. Standard Allocation. Single cells are required for inmates assigned to maximum custody and segregation. There must be 35 square feet of unencumbered space for the single cell occupant. When confinement exceeds 10 hours per day, there must be at least 80 square feet of total floor space per occupant. Unencumbered space is usable space that is not encumbered by furnishings or fixtures. At least one dimension of the unencumbered space is no less than 7 feet. In determining unencumbered space, all fixtures must be in operational position and must provide the following minimum areas per person: bed, plumbing fixtures, desk, and locker.

b. Minimum/medium custody prisoner. Single cells/rooms and multiple-occupancy cells/rooms may be used for housing inmates in medium/minimum custody when there is 35 square feet of unencumbered space for one person and 25 square feet of unencumbered space when there are 2 to 250 persons. When confinement exceeds 10 hours per day, there must be at least 80 square feet of total floor space per occupant. Housing units should strive to comply with applicable ACA standards.

c. Medium-security inmates housed in multiple-occupancy cells/rooms require direct supervision. A classification system is used to divide the occupants into groups that reduce the probability of assault and disruptive behavior. At a minimum, the classification system evaluates the following: mental and emotional stability, escape history, history of assault behavior, medical status, age, and enemies of record.

d. Male and female inmates are housed in separate cells/rooms. Prisoners will be allocated space per this standard except under circumstances described in (a) and (b) below.

(1) Reduced Allocation. While not desirable, it is recognized that, under certain conditions, the standard allocation is not possible. A reduced allocation of 20 square feet of unencumbered space per prisoner, except those in close confinement, is authorized when priority conditions exist that preclude the use of standard allocations. In determining unencumbered space, all fixtures must be in operational position and must consider the following minimum furnishing per

person: bed and locker. The reduced allocation will be used to determine mobilization prisoner capacities for the facility. MACOM commanders may approve operations under the reduced space allocation rule.

(2) Emergency Minimum Allocation. Under conditions of temporary peak confinement facility population periods, not to exceed 7 consecutive days, an emergency minimum allocation of 17 square feet of unencumbered space per prisoner is authorized, excluding the segregation area. As in the reduced allocation, in determining unencumbered space, all fixtures must be in operational position and must consider the following minimum furnishing per person: bed and locker. Only DAPM may approve emergency minimum space operations for any period beyond 30 consecutive days.

e. Individual cells. Space allotment for individual cells or rooms constructed prior to 1 January 1995 will be at least 8 feet long, by 6 feet wide, by 8 feet high (minimum inside measurements).

38. Commanders will ensure that policy and procedures specify the means for the immediate release of inmates from locked areas in case of emergency and provide for a backup system. Standards for locking devices will meet established safety and security requirements as described in appropriate Army engineer guide specifications. In combustible buildings, manually operated locking devices permitting the opening and closing of all cells simultaneously will be installed on each line of three or more cells. Noncombustible buildings with power operated locks will have a manual backup system to provide a means for the immediate release of inmates in case of emergency. This requirement includes exit or corridor doors throughout the facility. Lightweight locks in the builders' hardware class are not authorized for use in securing prisoners. The security and management of keys and locks will conform to the policy and procedures outlined in AR 190–51, appendix D.

39. Prisoner quarters, latrines, dining facilities, laundry rooms, processing areas, chapel, training classrooms, and exercise yard will normally be located within the facility-fenced yard.

40. Administrative offices and supply, arms, tools, visitors, and guard rooms should be located outside the facility-fenced area. The following standards apply to these offices and rooms:

a. The arms room will be protected IAW appropriate regulations. Under no conditions will the arms room be located within the facility-fenced area.

b. Facilities will be provided for the safeguarding of tools and equipment. In facilities of permanent type construction where the arms, tool, and supply rooms are in the secured area, inaccessibility is to be achieved by using security doors to isolate prisoners from these rooms.

c. A visitation room will be provided and will not be divided by any type of barrier to keep visitors separated from general population prisoners being visited. High-risk prisoners may be required to visit in a secured area utilizing an intercom system and transparent barrier to keep prisoners and visitors separated. A locked storage area will be provided for securing visitors' hand-carried items during visits.

41. Double exterior fencing will be installed around all facility recreation, exercise, and work yard areas. Fencing will be constructed of a type indicated in appropriate engineering guide

specifications. Fencing will be a minimum of 12 feet in height plus an 18- to 24-inch top guard, preferably spring-type, constructed on all vertical perimeter fences and on interior fences when added security is desirable. Based on local determination, some fencing may require installation of a double overhang (overhang fencing both outward and inward). Razor or concertina wire may be substituted for overhangs when determined appropriate by the ACS commander. Perimeter fencing will be installed so that escape underneath the fence is not possible. A minimum 12-foot clear zone will be maintained between perimeter fences. A minimum 20-foot clear zone will be maintained on the exterior of the outer most perimeter fence. The use of concertina or razor wire as additional barrier protection at the top and bottom of perimeter fencing is authorized.

42. Guard towers should be constructed of materials that are compatible or the same as the overall facility's material and will be spaced so guards have an uninterrupted view of a minimum of 80 yards in any direction along the perimeter fence. The entire perimeter should be completely observed as well as all parts of the exercise yard. The towers will be of such height that the exercise yard exterior fencing and the roofline of the confinement facility can be observed.

43. Security lighting. Adequate outside security lighting will be provided and will have wire mesh or safety glass covering for protection against breakage by thrown objects. Lights will be focused or shaded to prevent a glare in the eyes of guards at fixed posts. Perimeter and interior lighting will be used to ensure observation of all likely avenues of attempted escape.

44. An emergency power generator will be provided and will be located outside the perimeter fence, when possible. If located inside the perimeter fence, the generator will be adequately secured and controlled. A weekly inspection and a monthly load-bearing test of the generator will be conducted and made a matter of record in the daily blotter.

45. Patrol roads or paths will be provided around the perimeter of the facility as required for access by motor or foot patrols.

46. Adequate equipment required for effective and efficient administration and operation of the regional confinement facility will be provided. Necessary tools and equipment for prisoner work and training activities will be maintained. Fire protection devices, alarm systems, and locking devices will be installed IAW applicable standards. Adequate means for identification photographs and fingerprinting will be available.

47. An intercommunications system, independent of and in addition to an adequate telephone system, for communication among guard towers, gates, prisoner living and segregation areas, prisoner processing areas, the dining facility, and a central communication station.

48. Appropriate space will be set aside and necessary equipment provided for religious services to be conducted under the supervision of the chaplain. If possible, a separate chapel should be maintained and not used for any other purpose.

49. Recreational equipment, recreational equipment space, and secure outdoor areas for prisoner recreation and training programs.

50. Riot control devices will be readily available in the event of an emergency. Such items will be secured and located in an area separate from the prisoner population.

51. First aid kits, medical protective clothing and equipment, and medical litters will be placed where they are readily available to custodial personnel.

52. Fire prevention systems. Both local and transmitted water flow alarms will be provided for all automatic sprinkler systems except for patient-occupied areas of hospitals where local alarms will be omitted. Transmittal alarms will activate at continuously attended duty desks (in addition to those at fire department headquarters). Where feasible, automatic sprinkler systems will be installed in buildings of combustible construction that house military prisoners and in prison shops regardless of the type of construction.

53. Automatic fire alarm systems will be installed for the protection of life and critical material. They will be installed at isolated small locations requiring installed protection, but where automatic sprinkler protection is not feasible. Automatic fire alarm systems will also be installed in combustible buildings confining military prisoners under lock and key, if automatic sprinkler protection is not feasible. (Both local and transmitted alarms must be provided for these systems.)

54. Normally in all built-up areas, exterior fire reporting facilities will consist of fire reporting telephone systems. Where economically justified, fire alarm systems of the telegraphic type may be authorized, in lieu of fire reporting telephones. Extensions of existing systems will be compatible with existing equipment. Fire reporting telephone systems, including switchboards, enunciators, telephones, and connecting circuits, will be installed and maintained per AR 420–90.

55. Smoke detectors. Hard-wired detectors will be used. Battery powered detectors may be used as an interim measure. If battery powered detectors are used, monthly checks for proper operation are required.

#### PART C – The United States Disciplinary Barracks.

1. The USDB at Fort Leavenworth, Kansas is the only maximum-security prison in the DOD. It is the oldest penal institution in continuous operation in the federal system. Operations at the prison started in May 1875 and have continued to this date. Its mission is to incarcerate US military prisoners sentenced to long terms of confinement, and conduct correctional and treatment programs to maintain good order and discipline and reduce recidivism upon release; and, on order, provide trained and ready Soldiers to conduct worldwide deployments in support of contingency operations. With the opening of the new USDB in September 2002, operations continue in a state-of-the-art correctional facility. Groundbreaking for the new facility took place in June 1998 and the facility was turned over to the Army on August 1, 2002. The design is based upon modern prison standards modified to fit the unique military mission requirements of the USDB.

2. The old USDB covered 12 ½ acres and was surrounded by a rock wall that varied in height from 14 to 41 feet and it had a 10-acre fenced outside recreation area. The new USDB encompasses about 51 acres and is located on the northern part of Fort Leavenworth on the site of the former USDB Farm Colony. The new USDB is surrounded by two 14-foot fences and contains an open-air recreation yard. The new facility is divided into two zones. One zone houses the general population inmates in three main housing units. The other zone, separated from inmate housing, contains the command group, directorates of inmate administration, treatment programs, vocational training,



pastoral care, as well as, health and dental clinics and other inmate support services. A Special Housing Unit (SHU) is also part of the support complex. Referred to as the SHU, the unit houses newly assigned prisoners, maximum custody, administratively segregated inmates and those inmates sentenced to death. The SHU can accommodate up to 95 inmates.

3. There are three housing units for inmate housing. Each housing unit accommodates up to 142 inmates and is made up of two “pods,” which are two-tiered triangular shaped domiciles with an open-air center area containing pay phones, televisions, and chairs. One control center, located between the two-tiered triangular shaped domiciles, manages each housing unit.

4. The USDB provides a safe, secure environment in which confined prisoners can undergo correctional treatment. The mission emphasis is on correctional treatment and educational and vocational training. The facility is staffed with carefully selected, well-qualified correctional, supervisory, and professional personnel.

5. The USDB is the ACS maximum custody facility that provides long-term incarceration for military prisoners for all services. It is the only ACS facility authorized to incarcerate permanently post trial prisoners with a prison sentence of death. The USDB provides specialized correctional programs encompassing professional evaluation, counseling, training, custody, and personnel administration to prepare military prisoners for return to civilian life or to military duty. The USDB, because it holds prisoners in confinement longer than other facilities, places a correspondingly greater emphasis on the correctional portion of its mission.

6. Administration and operation of the USDB will be accomplished in a uniform manner to attain the following objectives:

a. To provide a secure environment conducive to a program for the correction of confined military prisoners.

b. To provide military prisoners whose sentences include a punitive discharge, the skills, proficiencies, and behavioral attitudes that equip them for restoration to duty or return to civilian life as useful citizens.

c. To provide military prisoners whose sentences do not include a punitive discharge, the skills, proficiencies, and behavioral attitudes that equip them for ultimate return to duty as effective soldiers.

7. The professional staff of the USDB includes education officers, training officers, chaplain, psychiatrists, psychologists, social workers, judge advocate officers, and medical and dental officers.

8. Specialized Activities are various opportunities and activities available to the military prisoner sentenced to confinement. They include vocational training, academic vocational programs, apprenticeship training programs, prisoners in vocational or trade training, textbook and teaching aids. The vocational training funds may be used to pay for vocational training programs per AR 190-47 and may be supplemented with the use of Nonappropriated Funds (NAF) per appropriate NAF regulations.

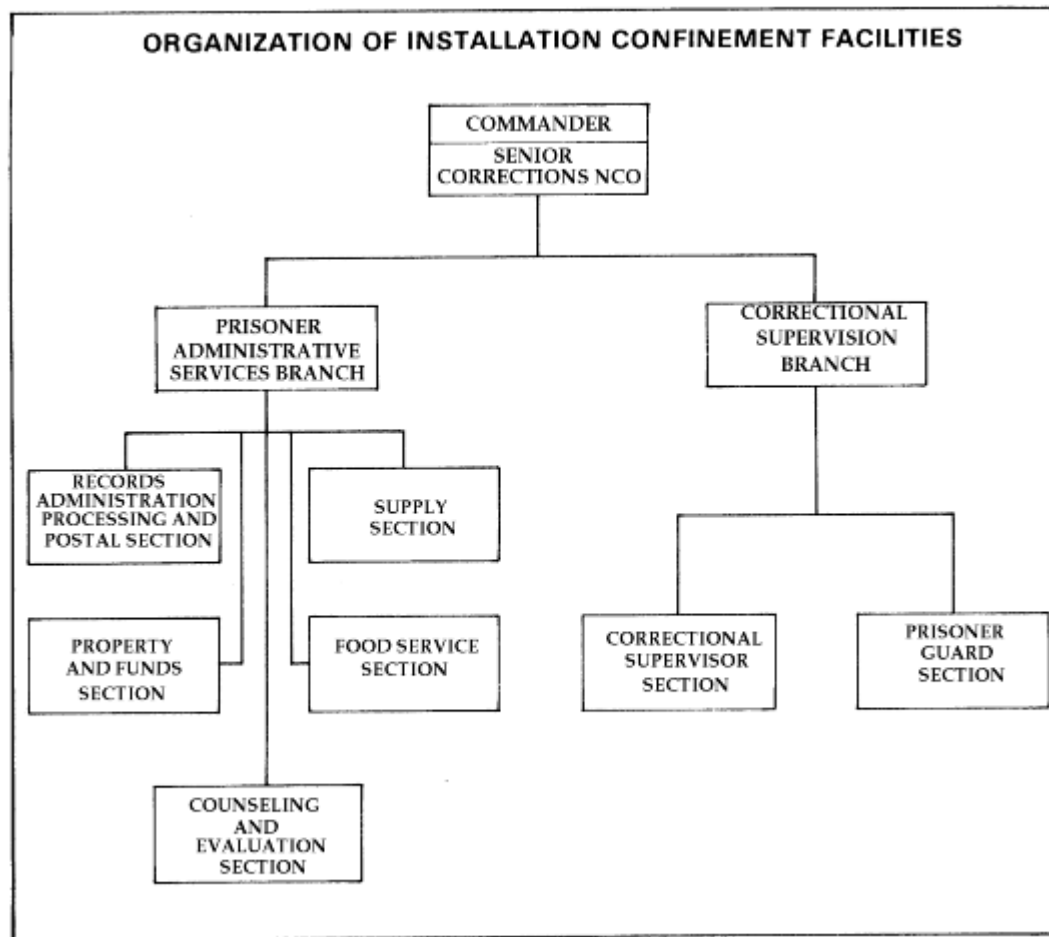


FIGURE 3-2. USDB ORGANIZATION.

9. Prisoner Reception. Frequently, a prisoner arrives at the USDB with feelings of fear, guilt, anxiety, and helplessness. Confinement personnel can assist in minimizing these feelings by orienting the prisoner to the positive aspects of the rehabilitation program. In addition, maintaining compliance with all of the requirements of processing at the USDB, will reduce the administrative burden of the receiving facility and expedite the prisoner's entry into the correctional treatment program. The time immediately after a prisoner's arrival is of utmost importance to the prisoner and the institution. The attitudes and behavior patterns developed at that time influence the prisoner's adjustment to the correctional treatment program.

10. In addition to completing routine admission processing, each prisoner is talked to by the commandant and key staff personnel shortly after arrival. These talks are designed to help the prisoner understand the institution's correctional treatment program and objectives, to correct misconceptions, to alleviate tensions, and to assure the prisoner of the staff's interest in his well-being.

11. The prisoner participates in a series of interviews with members of the professional staff and completes a series of tests on educational achievement, mechanical and technical aptitudes, and intelligence. This information is consolidated with additional information on the prisoner's

background into a classification summary that is a concise, factual history and evaluation of the prisoner.

12. Institutional Classification Program. This program, developed by the classification review boards, will be chaired by an E8/GS-12 or above with two enlisted members (staff sergeant or above). A civilian employee in the grade of GS-7 may be substituted for one of the noncommissioned officer members.

13. Classification boards will review and make recommendations in the following areas:

- a. Review of custody level and security grade assignments.
- b. Domicile accommodations.
- c. Prisoner training needs.
- d. Prisoner work assignments.
- e. Treatment reviews.

14. Restoration, Clemency, and Parole Program. Prisoners within the ACS will be considered for clemency per AR 15-130. NonArmy prisoners will be considered for clemency per their parent service regulations. Clemency actions include the mitigation, remission, and suspension of court-martial sentences and return to military service (restoration/reenlistment) of prisoners with approved sentences. All US Army prisoners will be evaluated for return to military service. Neither clemency nor parole is a right. The programs set forth in this chapter and in AR 15-130 are primarily for the benefit of the Army, not for any individual prisoner. All prisoners will be clearly informed that there is no right to either clemency or parole.

15. A prisoner on parole will remain under the legal supervision and control of the releasing facility and a local United States probation officer assigned by the Probation Division of the US Courts, until the expiration of the full term or aggregate terms of the sentence without credit for abatement.

16. Prisoners from an ACS facility who have approved parole will remain under the releasing facility's control at the time of release on parole, unless otherwise directed. Hard copy records will be transferred by US mail or the most expeditious means. The facility commander or designee will electronically notify the USDB staff in advance, no later than the day prior to the date of release on parole. Such notification will include, at a minimum, the inmate's name, parole address and contact number, probation officer, confining offenses and sentence, victim/witness information, and projected parole expiration date.

17. Prerelease Program. A prerelease training program designed to prepare prisoners for return to military duty or the civilian community will be established at each ACS facility. Facility programs will be designed to prepare the prisoner for reintroduction to his family, friends, and community and to help the prisoner to anticipate and cope with problems upon his reintroduction. Emphasis will be placed on development and self-understanding, toleration of frustrations and disappointments, and the importance of initial motivation toward the new environment. Practical training, such as checkbook maintenance, resume preparation, and military benefits, will be included. Provisions

will be made for limited prerelease preparation for prisoners who, by reason of their aggressive, antisocial, impulsive behavior, and extremely disruptive influence are not amenable to the prerelease program. Prisoners arriving with short sentences will attend only as much of the prerelease program as the facility commander deems appropriate.

18. Each prisoner will be interviewed approximately 90 days prior to his release date and assisted in preparing and forwarding applications to prospective employers and other agencies or services that provide such assistance. Subject to the prisoner's written authorization, information will be furnished to employment agencies or employers regarding the prisoner's occupational experience and training.

19. Each prisoner will be interviewed to ensure compliance with applicable state laws concerning violent or sex offender registration requirements and completion of the impact of crimes on victims training prior to release.

20. When releasing prisoners, facility commanders must ensure operation procedures contain, at a minimum, the following requirements:

- a. Verification of identity and release papers.
- b. Completion of all release arrangements, including notification of the parole authorities in the jurisdiction of release.
- c. A personal property check on all prisoners to ensure that no facility property leaves the facility.
- d. Review of pending legal actions, that is, grievances or claims for damages or lost possessions.
- e. Medical screening and arrangements for community follow up where needed.
- f. Forwarding of prisoners' mail.

21. Orientation for Prisoners. The confinement officer should establish an orientation program for prisoners in RCFs who are being transferred to the USDB. This orientation should contain advice to prisoners about the benefits derived from their willing participation in the educational and vocational training activities of the facility. Prisoners should be informed that participation in these activities would aid them immeasurably upon restoration to duty or return to civilian life.

22. Duties of Key Personnel. The services of psychiatrists and other medical doctors, dentists, psychologists, social workers, lawyers, chaplains, and other professional specialists are essential ingredients in the corrective process. At some facilities, selected specialists may be assigned to the staff of the facility commander. At other facilities, all professional service support will be provided by the installation. Facility commanders will request and installation or medical treatment facility commanders will approve the appointment, on orders, of those specialists not authorized or on hand at the correctional or confinement facility in sufficient numbers to accomplish their necessary functions.

23. Deputy Commandant. The commandant may delegate to the deputy commandant any duties except those that are specifically imposed upon the commandant by the Uniform Code of Military Justice. Appropriation acts, or other statutory provisions, or those which, because of their manifest importance or existing local conditions, may not be appropriately delegated.

24. Director of Operations. Subject to the direction of the commandant, the director of custody will have immediate charge of all prisoners and responsible for the custody, control, discipline, care, and security of the prisoners.

25. Inmate Services Division. This officer plans, organizes, and supervises recreational activities for prisoners. Is responsible for the procurement, issue, and proper maintenance and care of all special services equipment, including procurement of films and operation and supervision of motion pictures. Also responsible for supervision of the prisoner band, including proper maintenance and care of equipment.

26. Director of Program services. This director formulates policy and coordinates administrative activities such as central filing, mailing, reproduction, publications, and forms management. Administers personnel actions and directs the maintenance of records for military personnel. Coordinates personnel actions for civilian personnel and directs management and appropriated funds budget programming activities. Exercises staff supervision over receipt, disbursement, and accounting for all nonappropriated funds, and related activities.

27. Director of Prisoner Administration. This director is responsible for assignment and disposition programs.

28. Social workers and psychologists will provide ongoing mental health, social work, and consultative services in support of the correctional treatment program. At those facilities where a mental health or social work professional is not assigned, the Chief, Community Mental Health, of the supporting medical facility will serve as consultant to the facility commander on all matters pertaining to mental health, welfare, and personal well-being of individuals referred for services.

29. Chaplain. The senior facility chaplain is the commander's staff officer responsible for performing or providing opportunity for religious faith practices for prisoners.

30. Staff Judge Advocate. The installation Staff Judge Advocate will serve as legal advisor to the facility commander and staff and will assist in providing the legal materials necessary to support prisoner needs for access to legal libraries.

31. Parole Officer. Individuals released on parole (parolees) are under the direct supervision of federal probation officers.

32. Custodian of Nonappropriated Funds. The custodian is responsible for safekeeping and accounting for all nonappropriated funds as prescribed in pertinent regulations and directives. If a single custodian of nonappropriated funds is not available to carry on the many and varied functions required in the administration and control of these funds, commandants are authorized to designate one officer as custodian of the vocational training fund and a separate officer as custodian of the inmate welfare fund and prisoner personnel deposit fund. When personnel are available, a separate custodian for each fund is authorized.

33. Prisoner Program Officer. Duties will include immediate responsibility for the administration of the prisoner assignment and disposition program. Responsible for prisoner work IAW approved board actions and for the prisoner prerelease orientation program.

34. Employment NCO. The employment officer works under supervision of the director of operations and is responsible for proper prisoner employment IAW approved board actions, prisoner movements, and passes control.

35. Supply Supervisor. The supply officer is responsible for procurement, storage, maintenance, and issue of all clothing, supplies, and equipment for the disciplinary barracks, other than that reported for use by guard companies and transportation. Supervises and controls the taking of technical service property inventories, the maintenance of required stock records, and the preparation of supply reports and requisitions.

36. Prisoner Services Division. This officer plans, organizes, and supervises recreational activities for prisoners. Responsible for the procurement, issue, and proper maintenance and care of all special services equipment, including procurement of films and operation and supervision of motion pictures. Responsible for supervision of the prisoner band, including proper maintenance and care of equipment.

37. Commander, Headquarters Military Police (MP) Battalion. This commander exercises command, control, and provides discipline and personnel administrative support to all Army enlisted cadre of the confinement facility. Provides morale, welfare, recreation, education, supply, and selected training support to all military personnel assigned to the USDB.

38. Other Staff Officers and Enlisted Men. Personnel, other than those listed above, will be designated by the commandant on a functional basis to fit local conditions and to obtain the most efficient and effective use of personnel.

### **SUMMARY**

Military prisoners serving sentences to confinement as punishment are available for overall correctional treatment activities comprised of useful work, training, and correctional motivation. The USDB provides the opportunity for prisoners to participate in intensive academic education and vocational training activities and to improve their skills and knowledge through useful and constructive employment of value to the Army. Training will be designated to provide prisoners an opportunity to improve their future value to the service if restored to duty as well as their abilities to make successful readjustment to civilian life.

# RCF ORGANIZATIONAL CHART

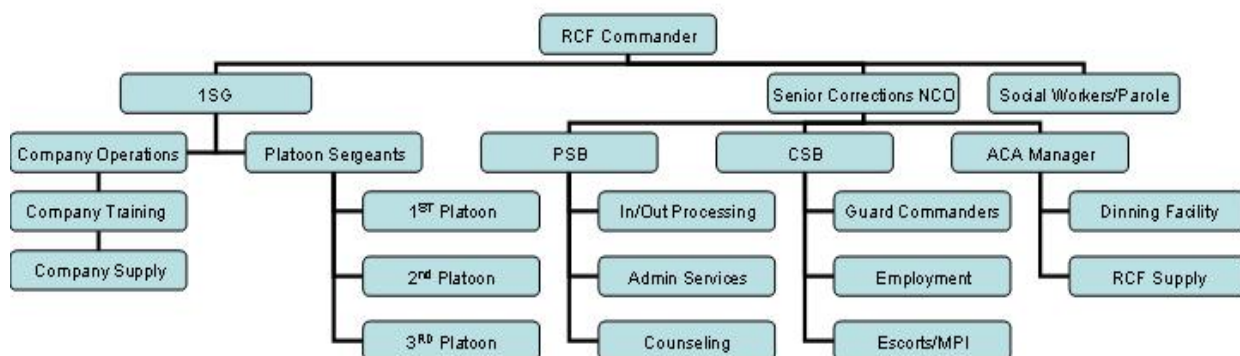
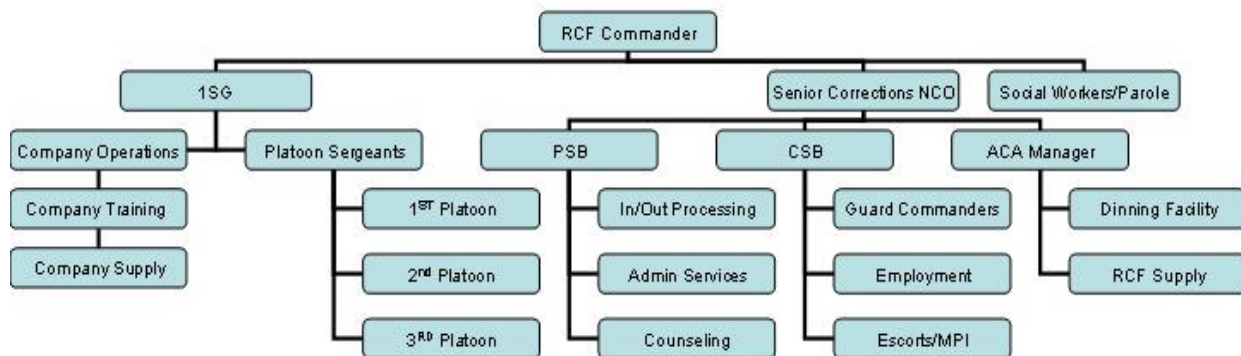


FIGURE 3-1. RCF ORGANIZATION

a. The senior confinement Noncommissioned Officer (NCO) assists in the administration and operation of the facility. Assists in the general supervision of the staff and the enforcement of rules and regulations. Supervises prisoner employment assignments. Informs the facility commander of incidents that affect the custody or morale of prisoners. And ensures control measures are enforced throughout the facility and in the hospitalized-prisoner ward. Major functions include the following:

## RCF ORGANIZATIONAL CHART





## LESSON 4

### THE MILITARY JUSTICE SYSTEM

#### LESSON DESCRIPTION:

#### TERMINAL LEARNING OBJECTIVE:

This lesson is designed to provide the different aspects of the Military Justice System as they are applied to the Army correctional system. It will enable an understanding of the entire scope of the Military Justice System.

CONDITION: Given this subcourse

STANDARD: You must demonstrate knowledge of the task by scoring at least 70 percent correct answers on the final subcourse exam.

REFERENCES: AR 190-47  
MCM Manual for Courts-Martial

#### INTRODUCTION

The military justice system is comprised of various individuals or groups of individuals fulfilling differing responsibilities and carrying out various duties. Internment Resettlement Specialists comprise one of the most important groups in this field. If facilities were not run properly, the entire system would be severely jeopardized. While it is of utmost importance to be thoroughly familiar with the duties and responsibilities of working in a confinement facility, it is also important to understand the entire scope of the military justice system. This is important from a personal standpoint as well as from a job-related point of view.

#### PART A - The Levels of Military Justice System.

Understand and be able to explain the basic provisions of the Joint Ethics Regulation.

1. There are three primary levels of military justice. The most important level, and the one with which internment resettlement specialists are directly concerned, is the judicial or court-martial level. At this level a Soldier may be placed in a confinement facility either in a pretrial status or pursuant to a court-martial order. The other two levels are classified as administrative and nonjudicial. As a point of orientation and in order to understand the entire military justice system, these two levels shall be briefly discussed.

2. Army policy dictates that if disciplinary action is required, this level should be pursued first, if appropriate. A commanding officer has certain powers and authority to discipline the members of his command administratively. These actions, which are classified as nonpunitive, include the following:

a. Admonitions and Reprimands: This is the most common type of nonpunitive action. Normally, it is only verbal in nature, but may be a written admonition or reprimand. When written, it will be placed in the Soldier's personnel record.

b. Withholding Privileges: Administrative actions involved here may be withholding a Soldier's pass, denying a request to live off post, and refusing to allow the Soldier to re-enlist. All of these are considered privileges and not an absolute right that the Soldier has.

c. Reduction in Rank: A Soldier may be reduced in rank administratively by his commanding officer for reasons of inefficiency or technical competence. It may include any act or course of conduct showing positive evidence that the person concerned lacks those abilities and qualities required and expected of a person of that grade and experience.

d. Elimination from Service: Administrative discharges, which may be given, are honorable, general, and undesirable. They are administered by a board of officers, acting upon the request of the unit commander. The elimination board consists of at least three commissioned officers. The Soldier under consideration for elimination has the right to appear before the board, to have an attorney present, and to call his own witnesses as well as to cross-examine witnesses called by the elimination board. A Soldier is eliminated from service administratively for two primary reasons. These are—

(1) Unsuitability. In this type of case, the individual is willing to serve but unable to do so. Examples would be persons who are unable to learn or to adapt to military life. Usually, an honorable or general discharge is given in these cases.

(2) Unfitness. Here the individual is able to serve but is unwilling or unfit to do so. Examples would be an individual who has a record of continued AWOL or has been guilty of frequent incidents of a discreditable nature with civil or military authorities. An undesirable discharge is normally given if the individual is eliminated for unfitness.

3. Nonjudicial Level (Article 15). At this level of military justice a company grade commander or field grade commander may impose certain kinds of punishment on a member of his command for the commission of a minor offense. Nonjudicial punishment may only be imposed for the commission of a minor offense defined and made punishable by the UCMJ. Only a commander may impose the punishment.

4. The purpose of a nonjudicial punishment is to correct, educate, and reform minor offenders while also preserving an offender's record of service from the unnecessary stigma of a record of court-martial.

5. All the military, whether enlisted personnel or commissioned officers, are subject to Article 15 punishment. However, the accused has an absolute right to refuse an Article 15 and may demand a trial by court-martial.

6. Although the punishment imposed under Article 15 becomes effective immediately, the accused has a right to appeal to the next superior commanding officer or to the officer who imposed

the punishment. The officer to whom the appeal is made may set aside the punishment and restore the Soldier; remit, mitigate, or suspend the unexecuted portion of the punishment.

7. Maximum punishment for an Article 15, if given by a company grade commander, is 14 days restriction, 14 days extra duty, 7 days correctional custody, 7 days forfeiture of pay, and reduction of one pay grade. If given by a field grade commander, maximum punishment is 60 days restriction, 45 days extra duty, 30 days correctional custody, and forfeiture of one-half of 1 month's pay for 2 months. In most cases the maximum punishment is not imposed. In addition, if the accused is an E4 or lower, he may be reduced to the lowest enlisted grade. Enlisted personnel in a pay grade above E4 may not be reduced more than two pay grades.

8. Judicial Level (Court-Martial). Once it is determined that administrative action or nonjudicial punishment is not sufficient because of the seriousness of the offense committed, the commander must resort to court-martial action.

9. Charges and Specifications. The initial action required to begin the judicial process is the drawing of the charge sheet. Any person subject to the code may prefer charges. In most cases, charges are preferred by the commander who exercises immediate jurisdiction over the accused under Article 15. The charge indicates the article of the code that the accused is alleged to have violated. The specification identifies the accused and sets forth specific facts and circumstances believed to constitute the offense. The specification must allege the acts that support every element of the offense. Once the charges have been prepared and Article 15 punishment has either been refused or considered inadequate, the charges are normally forwarded to the commander exercising summary court-martial authority.

10. Summary Court-Martial. A company commander does not have the authority to convene a summary court-martial. He can only recommend this action to the proper convening authority—normally the next higher headquarters. The summary court-martial convening authority may take one of the following courses of action: dismiss the charges, take administrative action, offer the accused an Article 15, convene a summary court-martial, or forward the charges to the special court-martial convening authority.

11. Membership on a summary court-martial consists of one commissioned officer who acts as judge, trial counsel, defense counsel, and jury. Preferably, this officer should be the grade of captain or above.

12. The accused does not have the right to be detailed a military lawyer at a summary court-martial. However, the accused may consult with the staff judge advocate prior to trial. He may hire his own civilian lawyer, and if he does so, he has an absolute right to that lawyer's presence at the proceeding.

13. Maximum punishment that may be imposed by a summary court-martial is 1 month of confinement, or 2 months restriction, or 45 days extra duty, and forfeiture of two-thirds of 1 month's pay, and reduction to the lowest enlisted grade.

14. All persons subject to the code may be tried by summary court-martial except commissioned and warrant officers and cadets. However, any member of the armed services may

refuse such trial and demand a special court-martial. Note that any person may refuse both an Article 15 and a summary court-martial and demand trial by special court-martial.

15. Special Court-Martial. The convening authority for special court-martial is any person who may convene a general court-martial, a brigade commander, or any commander given the power by the secretary of the concerned service. When special court-martial convening authority receives a charge sheet, several options are open to him. He may dismiss the charges, take administrative action, offer an Article 15, convene a summary court, or convene a special court-martial.

16. Membership on the court may be made up as follows:

a. A military judge and not less than three members. The military judge is both an officer and a qualified lawyer that is certified to be qualified for duty as a military judge by the judge advocate general of the Army. It is not an absolute requirement that a military judge is a member of every special court-martial, but in most cases, a military judge is detailed to the trial. The three members of the court are normally commissioned officers. However, if before the trial, the accused requests that enlisted personnel serve on the court, then at least one-third of the court must be enlisted personnel.

b. Only a military judge. If the accused so requests, he may be tried by a military judge without the remaining members of the court.

c. Not less than three members. If a military judge has not been detailed to the case, three or more members make up the membership of the court. As previously stated, whenever possible, a military judge is assigned to each special court-martial.

17. Any person subject to the code may be tried by a special court-martial. The accused has an absolute right to have a detailed defense counsel or a military lawyer of his own selection, if reasonably available. The accused may hire a civilian attorney at his own expense and have the military lawyer act as assistant counsel or be dismissed.

18. Maximum punishment that may be given by a special court-martial for enlisted personnel is 6 months confinement, forfeiture of two-thirds of a month's pay for 6 months, and reduction to E1. Normally a punitive discharge will not be given. Only when the following special requirements are met, may a bad conduct discharge be given:

a. A military judge must be detailed.

b. A qualified attorney must represent the accused.

c. A verbatim (word-for-word) record of the trial must be taken.

d. The convening authority must exercise general court-martial convening authority jurisdiction.

19. Article 32 Investigation. If the special court-martial convening authority decides that dismissal of the charges, administrative proceedings, Article 15, summary court-martial, or special

court-martial proceedings would be an inadequate disposition of the case, he can forward the charges to the general court-martial convening authority. investigation concerning the offense has been made. This investigation is known as an Article 32 investigation because Article 32 of the UCMJ requires it. Pretrial investigation is normally convened by the special court-martial authority when he feels that the case should be disposed of by a general court-martial.

20. The Article 32 investigation is the equivalent of a grand jury in civilian life. Its' purpose is to inquire into the truth of the charges and specifications, the correctness of their form, and to determine whether or not the government is justified in alleging the accused has committed a crime. This pretrial investigation protects both the accused and the government from needless trials by screening the charges and evidence before they are referred to a general court-martial. The Article 32 investigating officer is appointed by the same commander who convened the investigation. This officer should be mature, open minded, fair, and preferably of field-grade rank. It is not his function to determine innocence or guilt of the accused, but to gather and weigh impartially all available facts in arriving at his conclusion of whether or not the case should be referred to court-martial.

21. The record of the Article 32 investigation and the investigating officer's recommendations are submitted to the general court-martial convening authority. The Article 32 investigating officer has no subpoena powers and the investigation is similar to a general court-martial proceeding in many respects, for each witness testifies under oath. The accused has the right to cross-examination and the right to be represented by a qualified military attorney furnished by the government or a civilian attorney furnished at his own expense.

22. In addition to an Article 32 investigation, before a general court-martial can be held, the convening authority must refer the charges to his staff judge advocate for consideration and advice.

23. General Court-Martial (GCM). After an Article 32 investigation has been conducted, the commander may forward the charges and specifications with his recommendations for trial to the commander with general court-martial jurisdiction. The convening authority for a general court-martial is usually the post or division commander. He has all the other possible options open to him. He may dismiss the charges; take administrative action; offer an Article 15; or convene a summary, special, or general court-martial.

24. Membership on a general court-martial may consist of a military judge and not less than five members. Or it may consist of only a military judge if the accused so requests before the court assembles. If five or more members are present on the court, they will be commissioned officers, unless the accused requests enlisted personnel on the court. Then, at least one-third of the members must be enlisted personnel.

25. Any person subject to the UCMJ may be tried by a general court-martial. The accused must be assigned a qualified military attorney. However, he has the right to hire his own civilian attorney.

26. The maximum punishment imposed by a GCM is specified in the Table of Maximum Punishments in the MCM. Punishment includes confinement up to life, total forfeiture of pay and allowances, punitive discharge, and reduction to E1. For some offenses, it may include death.

27. Review of Court-Martial Findings and Sentences. The initial review of every court-martial is conducted by the convening authority. In the case of a general court-martial, the convening authority must refer the record to his staff judge advocate for recommendation before making his review.

28. Review by the Court of Military Review. This court must hear all cases for which the sentence includes—

- a. Death.
- b. Dismissal.
- c. Dishonorable discharge.
- d. Bad conduct discharge.
- e. Confinement of 1 year or more.

29. This court also must hear any cases involving a general or flag officer. In other cases, the judge advocate general may, at his discretion, direct the court to hear a particular case; the decision is forwarded to the staff judge advocate at the installation where the accused is located.

30. Review of the Court of Military Appeals. This is the highest court of appeals in the military judicial system. Its membership is composed of three civilian judges appointed by the President for a term of 15 years. The Court of Military Appeals must hear all cases—

- a. Affecting a general or flag officer.
- b. Extending to death.
- c. Received from the judge advocate general of the Army.

31. In addition, the court may agree to review any case previously reviewed by the Court of Military Review, upon petition of the accused.

#### PART B - Prisoner Status.

1. As with other tasks in the corrections field, knowledge should be acquired that will help you to build a rapport with prisoners. One way of doing this is to be able to explain to the prisoners what they are entitled to by virtue of their status and to answer any questions they might have concerning their confinement. Status is also the basis for billeting and employment of the prisoners.

2. Status is determined by the type of confinement and the progress of court-martial charges. Each prisoner has a status upon being confined.

3. Refer to Lesson 2 and review the definitions of status for detainee, adjudged, sentenced, officer, and casual prisoners.

4. Pretrial prisoners who are in a detained status are not treated the same as post trial prisoners whose status is adjudged or sentenced. Detained prisoners have not been proven guilty of any offense. Their confinement is not a punishment; it is only a means of ensuring their presence for trial or of preventing further serious misconduct. Detained prisoners are segregated as much as possible from all other prisoners, both in their working and in their living arrangements. Detained prisoners will be segregated from all post trial prisoners in billets to the maximum extent practicable. A detained prisoner will, however, be segregated from all post trial prisoners in employment and this segregation may not be waived.

#### PART C - Prisoner Rights.

1. Searches. A search is looking for evidence of some crime, with prosecution ultimately in mind, as opposed to just looking. In general, there is a limitation on searching someone in the military. The Fourth Amendment of the US Constitution limits the power of the government and government officials to search persons and property.

2. Authority of the commanding officer is normally necessary in order to conduct a lawful search. However, for persons not in confinement, this search may not be made unless probable cause exists. This means there must be both:

- a. A fact showing an offense probably has been committed.
- b. Facts showing that particular evidence of that offense will probably be found in a particular place. If no probable cause exists, the search is illegal and any evidence obtained as a result of it is inadmissible as evidence in court.

3. That rule applies to all persons in the military not in confinement. However, once a person has been apprehended and placed in a confinement facility, some of his Fourth Amendment rights are modified. Lawful incarceration brings about the necessary withdrawal of limitation of any privileges and rights, a retraction justified and made necessary by the considerations underlying our penal system. Searches of prisoners may be made upon mere suspicion, no probable cause is necessary. Searches are limited only in number and in manner of conduct. Of course, the search is exercised in the conduct of searches to prevent undue disturbance of the prisoner's quarters or damage to his personal effects.

4. Self-incrimination. The protection against compulsory self-incrimination is another right derived from the Constitution. No person may be compelled to incriminate himself. Persons in confinement fully retain this protection just as persons not in confinement.

5. The basic starting point in the area of self-incrimination is the Fifth Amendment to the US Constitution. This protection applies to all US citizens. We cannot compel any person to testify against himself. This right is never modified.

6. All of these rights have been incorporated into Article 31 of the UCMJ. Thus, military personnel are protected by both the Fifth Amendment and Article 31.

7. The underlying judicial attitude is that the individual who incriminates himself should do so knowingly and freely, or not at all. This is not to say that there is no place in our law for the use of confession—merely that certain safeguards must be accorded in obtaining them.

8. Self-incriminating evidence essentially includes anything which comes from the individual and tends to establish his guilt. Once a type of evidence or activity is defined as self-incriminating, the necessary warning waiver requirement comes into play. If evidence is not found to be self-incriminating, the guidelines governing warning and waiver are no longer crucial.

9. To determine whether the evidence is or is not self-incriminating, one must look to the point of reference—the Fifth Amendment or Article 31.

10. Article 31, UCMJ, states the following:

- a. Facts showing an offense probably has been committed.
- b. Compulsory self-incrimination prohibited.
- c. No person subject to this chapter may compel any person to incriminate him- or herself or to answer any question to which the answer may tend to incriminate him.
- d. No person subject to this chapter may interrogate, or request any statement from, an accused or a person suspected of an offense without first informing him of the nature of the offense of which he is accused or suspected and that any statement made by him may be used as evidence against him in a trial by court-martial.
- e. No person subject to this chapter may compel any person to make a statement or produce evidence before any military tribunal if the statement or evidence is not material to the issue and may tend to degrade him.
- f. No statement obtained from any person in violation of this article, or through the use of coercion, unlawful influence, or unlawful inducement may be received in evidence against him in trial by court-martial.

11. Amendment IV to the US Constitution is quoted in full as follows:

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

12. Amendment V to the US Constitution is quoted in full as follows:

"No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without



due process of law; nor shall private property be taken from public use, without just compensation." (Emphasis added.)

13. The most common type of incriminating activity is confession. This is a complete admission of guilt. The suspect's statement includes an admission of all elements of the alleged crime. Examples of admissions are claims of self-defense or assertions of mistake or accident by the suspect. Both of these activities, confession, and admission are protected under the Fifth Amendment and Article 31.

14. Other types of incriminating activity are acts involving conscious mental cooperation such as handwriting samples or voice samples. Neither of these actions is protected by the Fifth Amendment, which applies only to the compulsion of one's communication of his thoughts. Not every compulsion is a communication within the protection of the Fifth Amendment. These samples have been held to be only identifying physical characteristics outside the protection of the Fifth Amendment. However, both are protected under Article 31 of the UCMJ. Under the military rule, any act that requires conscious mental cooperation is considered self-incriminating activity, for which protection is given.

15. All evidence obtained must be obtained in a reasonable manner. If any acts carried out are unreasonable, they will be considered illegal and will be inadmissible in court. Types of evidence which have been held not to be self-incriminating are—

- a. Taking of fingerprints.
- b. Trying on clothing.
- c. Exhibition of the body.
- d. Visual identification.
- e. Physical examination by physician.

16. Once determined that a particular type of activity is self-incriminating and thus protected by Article 31, it becomes necessary to establish safeguards to protect an individual's rights. In order to admit any self-incriminating statement as evidence, it must be clearly established that the proper warnings were given, and that the suspect affirmatively waives those rights.

17. Prior to any questioning or interrogation of a suspect or an accused, the following warning must be given:

- a. He will be informed of the offense of which he is accused or suspected.
- b. He has the right to remain silent.
- c. Any statement he makes may be used against him.
- d. He has the right to counsel.

e. He does not have to answer any questions.

18. It is not sufficient to merely read this warning to the individual. One must be certain that he understands exactly what this warning means. Unless the individual fully understands the warning, it will not be effective.

19. After the warning has been given, and it has been ascertained that the suspect or accused understands his rights and will be able to freely, knowingly, and intelligently waive them, ask him two questions:

a. Do you want counsel?

b. Do you want to make a statement and answer questions?

20. If the suspect states he wants counsel, he is not to be questioned until an attorney is obtained. Also, if the individual indicated he does not wish to be questioned, no attempt should be made to question him.

#### PART D - Punitive Discharges.

1. There are five types of discharges an individual may receive. The administrative discharges—honorable, general, and undesirable—have already been discussed. There are two types of punitive discharges:

a. Bad conduct discharge. This type of discharge is often given where "military" type offenses are involved (for example, AWOL, desertion, disrespect, or disobedience). It is also used where there are repeated minor offenses.

b. Dishonorable discharge. This is the most damaging type of discharge. It is used where serious crimes are involved (for example, rape, murder, robbery, or mutiny).

2. The examples given above are for illustrative purposes only. Punitive discharges are given as part of a sentence by court-martial. Such courts may give, as part of a sentence, a bad conduct or dishonorable discharge IAW the table of maximum punishments.

3. Consequences. Almost all military fringe benefits are lost as a result of receiving a bad conduct or dishonorable discharge. Key benefits lost are those from the Veteran's Administration such as insurance, educational assistance, medical and dental care, and home and other loans. In answering prisoner's questions on these matters, Judge Advocate General Corps personnel should be consulted to obtain up-to-date answers. Another undesirable consequence of a punitive discharge is that this record will follow the individual into civilian life. Obtaining any responsible job will be much more difficult because of this serious blot on the individual's record. However, many rumors which prisoners hear concerning consequences of a punitive discharge are false. Some false rumors are listed below:

a. Loss of US citizenship. One does not lose his citizenship as a result of a bad conduct or dishonorable discharge. The only way US citizenship may be lost is by the individual voluntarily giving it up.

- b. Right to own property. A punitive discharge does not affect one's right to own property.
- c. Right to vote. Whether or not an individual loses his right to vote in state elections depends on state law. No definite answer can be given here. The prisoner will have to check with authorities from the state where he will reside in order to determine whether he will be permitted to vote in that state. However, he may vote in national elections.
- d. Right to a driver's license. A punitive discharge does not affect one's right to a driver's license.

4. Modifications, Many prisoners believe that it is a simple matter to have a punitive discharge removed from their record. Such is not the case at all. It is very difficult to have any punitive discharge changed to a more favorable one. Some of the procedures or boards that prisoners may have heard about are discussed in the following paragraphs.

5. Exemplary Rehabilitation Certificate. This certificate is issued by the US Department of Labor. It may be obtained after 3 years of exemplary performance in civilian life, upon statements of:

- a. The person's good conduct by the chief law enforcement officer of the person's city, town, or country.
- b. The person's present or former employer.
- c. At least five people who have known the person 3 years or more.

6. The certificate states that since the person's separation from the armed services he has had a record of good character and exemplary conduct, activities, and habits for a period of at least the past 3 years. However, the exemplary rehabilitation certificate does not change the fact that the punitive discharge is still on the person's record. The certificate does not alter the punitive discharge.

7. Army Discharge Review Board. This board normally reviews only administrative discharges (general and undesirable). It is forbidden by law from reviewing punitive discharges given by general court-martial. However, it has the power to review bad conduct discharges given by special courts-martial. It will change, correct, or modify a discharge only when it is shown that the discharge was not equitably or properly given. The board consists of five or more officers designated by the Secretary of the Army.

8. Board for the Correction of Military Records. This board consists of at least three civilian attorneys appointed by the Secretary of the Army. Any type of military record may be corrected by this board. For example, the board is authorized to change any type of discharge, efficiency reports, records of trial, and even preinduction examinations. Thus, the board for the correction of military records can change either administrative or punitive discharges, but it will do so only if an error exists or the discharge was unjustly given.

9. Presidential Pardons. Surprisingly, even a pardon by the President of the United States does not change the type of discharge on a person's record. The pardon does reinstate the loss of rights

connected with that discharge, such as loss of military benefits, but the punitive discharge remains in effect.

## **SUMMARY**

Frequently, unfounded rumors circulate among the prisoners in confinement correction facilities. These rumors can easily be ended by keeping the prisoners properly informed. As has been repeatedly stressed, the mission of a confinement or corrections facility staff is to work with an individual prisoner so he will be a productive individual upon his return to either a military or a civilian environment. Throughout his confinement, he must be constantly motivated towards this goal. By having a working knowledge of the legal questions frequently asked by a prisoner, the internment resettlement specialist will be able to guide him on the proper course.

## Lesson 4 Practice Exercise

The following questions are multiple choice and/or true/false. You are to select the one that is correct. Show your choice by CIRCLING the letter beside the correct choice directly on the page. This is a self-graded lesson exercise. Do not look up the correct answer from the lesson solution until you have finished. To do so may hinder your ability to learn this material. Also, your final examination score will tend to be lower than if you had followed this recommendation.

1. The three levels of military justice are:
  - A. Administrative, nonjudicial, and judicial actions.
  - B. Administrative, undesirable, and punitive discharges.
  - C. Pretrial investigation, the trial and post-trial confinement.
  - D. Summary, special, and general courts-martial.
2. Any member of the Armed Forces may refuse:
  - A. Administrative actions.
  - B. Article 15 and demand trial by court-martial.
  - C. Trial by summary court-martial only.
  - D. Article 15 punishment only.
3. If a Soldier has been punished by Article 15, the Soldier may:
  - A. Issue a reclama of facts to the staff judge advocate.
  - B. Not appeal the case, except in court.
  - C. Appeal the punishment to the next superior command officer.
  - D. Appeal the punishment to the first colonel in the chain of command.
4. Under the provisions of Article 15, UCMJ, a company-grade commanding officer may impose all of the following punishments EXCEPT:
  - A. Reduction of two pay-grades.
  - B. Seven days loss of pay.

- C. Fourteen days restriction.
  - D. Seven days correctional custody.
5. The Court of Military Review will hear a case when the sentence includes:
- A. Dismissal.
  - B. Total forfeiture of pay and allowances.
  - C. Any confinement in excess of 6 months.
  - D. An undesirable discharge.
6. The initial review of every court-martial is conducted by the:
- A. Counsel for the accused.
  - B. Court of Military Appeals.
  - C. Court of Military Review.
  - D. Convening authority.
7. If the accused requests that enlisted personnel serve on his court-martial:
- A. Request can be denied by the convening authority.
  - B. At least one member will be an enlisted person.
  - C. At least one-third of the court must be enlisted personnel.
  - D. No more than one-third of the court must be enlisted personnel.
8. Which of the following types of evidence is self-incriminating?
- A. Visual identification.
  - B. Confession.
  - C. Taking of fingerprints.
  - D. Trying on clothing.

## ANSWER KEY FEEDBACK

<u>Item</u>	<u>Correct Answer and Feedback</u>
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|----|---|
| 1. | A. Administrative, Nonjudicial, and Judicial Actions. |
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The most important level... is the judicial or court-martial level. The other two levels are classified as administrative and nonjudicial (page 57).

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|----|--|
| 2. | B. Article 15 and demand trial by court-marital. |
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All the military, whether enlisted personnel or commissioned officer are subject to Article 15 punishment. However, the accused has an absolute right to refuse an Article 15 and may demand a trial by court-martial (page 58).

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| 3. | C. Appeal the punishment to the next superior commanding officer. |
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Although the punishment imposed under Article 15 becomes effective immediately, the accused has a right to appeal to the next superior commanding officer or to the officer who imposed the punishment (page 58).

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| 4. | A. Reduction of two pay grades. |
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Maximum punishment for an Article 15, if given by company grade officer is 14 days restriction, 14 days extra duty, 7 days correctional custody, 7 days forfeiture of pay, and reduction of one pay grade (page 59).

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| 5. | A. Dismissal. |
|----|---------------|

Review by Court of Military Review. This court must hear all cases for which the sentence includes death, dismissal, dishonorable discharge and confinement of 1 year or more (page 62).

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|----|-------------------------|
| 6. | D. Convening Authority. |
|----|-------------------------|

The initial review of every court-martial is conducted by the convening authority (page 62).

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| 7. | C. At least one-third of the court must be enlisted. |
|----|--|

However if, before the trial, the accused requests that enlisted personnel serve on the court-martial board, at least one-third of the court must be enlisted personnel (page 61).

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| 8. | B. Confession. |
|----|----------------|

Types of evidence that have been held to be not self-incriminating are: taking of fingerprints, trying on clothing, exhibition of the body, visual identification, and physical examination by physician (page 65).





## LESSON 5

### EMERGENCY PLANS AND PROCEDURES

#### LESSON DESCRIPTION:

#### TERMINAL LEARNING OBJECTIVE:

**ACTION:** Demonstrate a working knowledge of the types of emergency plans and procedures required in a confinement facility.

**CONDITIONS:** You will have this subcourse.

**STANDARDS:** You must demonstrate knowledge of the task by scoring at least 70 percent correct answers on the final subcourse examination.

**REFERENCES:** AR 190-47  
FM 3.19-30

### INTRODUCTION

Even in the best facilities, emergencies happen. Fire, escapes, disorders, and bomb threats are everyday occurrences within a confinement facility. As an Internment/Resettlement Specialist, knowing and taking the proper actions will prevent situations from getting out of control.

#### PART A - Emergency Plans and Procedures.

1. It is important that a confinement facility have well-defined and well-rehearsed emergency plans ready for implementation. The responsibility for emergency planning is not limited to the facility commander. Every member of the confinement facility staff plays an important part in emergency planning. The facility commander must develop a thorough understanding of the reasons and causes for emergencies and develop well-defined emergency plans to cope with emergency situations.

2. No matter how well trained the confinement facility staff may be or how efficient its operating procedures, it is inevitable that there will be some serious incident that will require immediate emergency action. While it is not possible to foresee the exact nature of an emergency or when it may occur, it is possible to have predetermined and well-defined plans for coping with anticipated situations that are known to produce disruption, disorder, and violence.

3. More specifically, formal written emergency plans that provide guidance for expeditious implementation of emergency actions are required at each facility for escapes, fires, and prisoner

disorders. It is required that all of the confinement facility staff be well versed and trained in the contents of the emergency plans.

4. Conditions, which underline the situations of escapes, fires, and prisoner disorders, and the plans for coping with these emergencies, will be discussed in the following paragraphs. Explosive devices and the threat of explosive devices are also a potential threat at a confinement facility. Therefore, the requirements for the safety of the prisoners and custodial personnel will also be discussed.

5. Escape attempts by prisoners may be motivated by problems with the confinement facility staff, the physical plant of the facilities, or the prisoner's emotional state. These motivational conditions can be prevented or corrected through continuous review of all aspects relating to the confinement facility staff, the physical plant of the facilities, and by early recognition of changing attitudes and behaviors in prisoners.

6. Problems relating to the confinement facility staff which must be noted and corrected include:

- a. Lack of sufficient personnel. This requires continuous personnel requisitioning action.
- b. Lack of training and experience. This requires that available training for corrections personnel be obtained at the proponent. It also requires that a continuous program of training be conducted to maintain personnel proficiency. This should be supplemented by on-the-job training with experienced personnel.
- c. Negligent or ineffective correction procedures. Training and close supervision are key in maintaining procedural standards.
- d. Failure to observe prisoners or failure to report important observations. Training and closer supervision are required to ensure attention to detail in the performance of duties. Observation and awareness along with proper documentation can prevent potentially dangerous incidents.
- e. Improper attitudes towards prisoners. The correctional philosophy must be stressed in all training and orientations for the confinement facility staff.
- f. Undue familiarity with prisoners. The saying, familiarity breeds contempt, is clearly applicable to confinement facility operations. This problem requires that the facility staff be convinced that they cannot control or correct personnel with whom they are unduly familiar.

7. Problems relating to the physical plant which must be found and corrected are those existing in the locking devices; the lighting, primary and alternate; fencing, gates, towers, or lack thereof; faulty building materials; and the communications or alarm devices. Corrective means will be based on local actions to obtain equipment and devices that meet standards established by the chief of engineers.

8. Problems that affect the prisoner's emotional state must be recognized and properly solved before they motivate the prisoner to attempt an escape. Symptoms that indicate a change in a prisoner's attitude are anxiety, loudness, quietness, hostility, irritability, withdrawal, and other

actions associated with an unexplained or unusual deviation from the individual prisoner's normal behavior pattern. All personnel must be constantly on the alert for any change in the attitude or behavior of prisoners and must take prompt action in the event any changes are noted. Some problems which may motivate prisoners to attempt escape are—

a. Bad news from home. Death or illness of close relatives or financial difficulties is motivation for escape. A change in a prisoner's attitude and character may be the result of receiving bad news. Members of the staff who observe such changes should promptly document the observation and report it to the facility commander for proper and necessary action.

b. Lack of news from home. Such lack may be noted by personnel who process mail and must be reported to facility counselors, who in turn, must make efforts to resolve any problems.

c. Inexperienced or immature confinement facility staff. The confinement facility staff at times may deliberately or unconsciously harass a prisoner by taunting or using insulting speech or actions. This situation may be prevented or alleviated by careful supervision of the personnel who come into contact with prisoners. The confinement facility staff should keep in mind that prisoners are in confinement as punishment, not to be punished.

d. Physical or psychological urges. Prisoners who are (or have been) addicted to narcotics, or who are chronic alcoholics, must be identified. Nervousness and/or irritability are symptoms of narcotic or alcoholic cravings. Prisoners with these symptoms must be observed by the confinement facility staff and reported to the facility commander for appropriate corrective action. Frequently, professional treatment is required to alleviate the condition.

e. Monotony. Monotony or routine in a confinement facility can normally be overcome by changes in the prisoner's correctional treatment program.

f. Fear of the unknown. Fear of the future as a result of actions such as a pending court-martial or an administrative discharge can be alleviated through effective counselor interviews.

## PART B - Escape and Apprehension Plan.

While each confinement facility is required to have an escape and apprehension plan, no two facilities will have the same plan. Local situations will dictate the specific requirements and details that must be incorporated into local operating procedures. The emergency plan for escapes must, at a minimum, include the following:

1. A designation of who, by duty position, is responsible for the implementation of the plan and for implementing alert signals for instructions.

2. A means for posting guards at critical points along the most probable routes of escape outside the facility and at buildings or fences damaged as a result of the escape. Instructions on methods of communication must also be included for the guards.

3. A method to determine the identity of the prisoners who have escaped (custody cards) and a method to maintain custody of the remaining prisoners.

4. A means of organizing search parties and determining areas of search.
5. If applicable, include means and procedures for notification of the prisoner's unit commander and civil authorities.
6. A means of communication and coordination of effort among the activities involved.
7. An outline of procedures for the prompt reporting of the apprehension of the escaped prisoners or termination of search to all activities, agencies, and/or personnel who were notified of the escape and that are engaged in the search.
8. Instructions for investigations to determine the persons or persons responsible and the causes of the escape.
9. Instructions concerning the use of weapons during escapes. These instructions will be developed IAW the following weapons guidance:
  - a. M-16/M-4 rifles and only 12-gauge shotguns with cylinder (unchoked) barrels will be issued for use by ACS guards. Barrels will not exceed 20 inches in length. Authorized ammunition for armed corrections officers (perimeter and escort corrections officers) is number 9 shot in trap loads of 2 3/4 grams equivalent of powder, 1 1/8 ounces of shot for shotguns, and 5.56 ball ammunition for M-16/M-4 rifles. Tower guards may use number 00 buckshot ammunition. The shotgun is the preferred weapon for guarding prisoners. The characteristics of this weapon tend to deter escape attempts and it minimizes danger to innocent bystanders in the vicinity. Guards will be instructed that at a very short range the shotgun is a lethal and maiming weapon and will be fired only to prevent a felony or an escape, and in self-defense.
  - b. The 9-mm pistol may be used when prisoners are under escort.
  - c. The use of firearms to prevent escape is justified only when there is no other reasonable means to prevent escape. Caution and good judgment must control the use of firearms in preventing the escape of prisoners.
  - d. Weapons are not authorized for use on employment details.

#### PART C - Fires.

Fires almost always have significant origins, which, if unchecked at the outset, flare into problems of major proportions with little or no warning. Conditions that can result in a fire situation and the means of correction are as follows:

1. Careless Use of Smoking Materials. This includes smoking in bed, careless disposal of lighted matches, and smoking near combustible materials. Posting "NO SMOKING" signs and establishing a policy of strict enforcement may correct this.
2. Improper Storage of Combustible Materials. This may be corrected by establishing authorized storage areas and obtaining approved storage containers.

3. Unsuitable Disposal Receptacles for Cigarettes and Matches. This is easily corrected by obtaining suitable receptacles in sufficient quantity to support the need.

4. Ineffective Fire Alarm Systems. A lack of alarm systems or ineffective systems may be corrected by installing an approved fire alarm system. Automatic fire alarm systems—

a. Are authorized to be installed for the protection of life, critical material, and high value materials. Fire alarms may be installed at isolated small locations requiring protection, and where automatic sprinkler protection is not feasible.

b. Are authorized to be installed in combustible buildings confining military prisoners if automatic sprinkler protection is not technically feasible.

c. Should ring locally and at the fire station.

5. Inadequate Fire Fighting Equipment. This will be corrected by obtaining modern extinguishers. Other equipment such as bolt cutters, portable floodlights, first aid kits, and stretchers may be necessary based on types of locks, facility structures, and types of facility operations.

6. Lack of Fire Prevention Inspections. Corrective measures include scheduling regular fire prevention inspections with the supporting fire department and selecting area fire marshals within the confinement facility area. Fire marshals will be selected from the principal sections or activities of the confinement facility. Their responsibilities, in addition to assisting the local fire marshal, will be as follows:

a. To inspect buildings, structures, grounds, and fire protection facilities.

b. To submit monthly reports to the local fire marshal reporting findings and corrective action.

c. To enforce fire regulations.

d. To coordinate emergency plans for evacuation of personnel, control of fire, and salvage of property.

e. To conduct evacuation drills at irregular times.

f. To ensure that personnel know how to report fires, use and inspect extinguishers, and practice prevention measures IAW facility SOP.

7. Inadequate Key Control System. This can be corrected by establishing a system that requires keys used daily by guards to be maintained by them. The system must include a plainly marked duplicate set of keys to all doors and it will always be available at a central location, well known to all of the confinement facility staff. The system must also require that keys be accounted for whenever correctional personnel change shifts, are relieved for meals, latrine, appointments, and so forth.

8. The Human Element. Dangerous conditions, which can create a fire situation, are careless work practices such as using flammables to clean. This can be corrected by emphasizing the importance of being constantly alert and knowledgeable.

#### PART D - Emergency Plans for Fires.

Local regulations will establish specific requirements that must be incorporated into the standard fire plan. In addition, a confinement facility emergency plan for fires will include, as a minimum, the following:

1. A fire prevention method that follows applicable fire regulations.
2. Alarm and notification procedures. These procedures should stress the importance of sounding the alarm as the first action.
3. Evacuation and immediate action procedures based upon the premise that saving lives is paramount while the custody of prisoners and the saving of government property are of secondary importance. These procedures will include the following provisions:
  - a. Designation of duty positions, to include primaries and alternates, responsible for opening cells and emergency exit doors.
  - b. Plans for the evacuation of prisoners to a predetermined area of the building and for the designation of personnel assigned to supervise prisoner evacuation.
  - c. Assignment of duty positions, to include primaries and alternates, responsible for manning specified fire fighting equipment and extinguishing the fire.
  - d. Designation of duty positions, to include primaries and alternates, responsible for removing essential records.
  - e. Means of maintaining custody and control and accounting for prisoners during and following implementation of the plan.
4. Fire and evacuation plan test procedures that require—
  - a. Testing at least once each month at irregular times (IAW AR 190-47).
  - b. All cell and emergency doors to be unlocked and opened during such tests, with the exception of those cells containing intractable prisoners.
  - c. Publishing and posting applicable portions of the plan on the bulletin boards for the confinement facility staff and the prisoners.

#### PART E - Prisoner Disorders.

1. Disturbances among prisoners may take the form of minor disorders, major disorders, or full-scale riots. They may be spontaneous in nature and unorganized, or they may be well planned and

organized. Frequently, even minor disorders, if they are not promptly controlled, may quickly develop into major disorders or riots either through leadership and organization or by a natural development through group hysteria. A major disorder or riot rarely appears suddenly. Investigation will reveal that it began with a minor incident, either by accident or through design. The manner in which correctional and guard personnel handle disorders may determine whether a minor disorder will be brought under control or whether it will flare to major proportions.

2. Unorganized disorders or riots are characterized at their inception as being spontaneous in nature. They may begin with a minor situation or during a normal gathering, where unexpected circumstances lead to group hysteria. Under determined leadership, the pattern of such a disturbance may be changed to that of an organized riot.

3. In organized disorders or riots, military prisoners may form themselves into quasi-military groups which are capable of developing plans and tactics to achieve the following purposes:

- a. Create a diversion for an escape attempt.
- b. Establish a grievance to express a complaint.
- c. Demonstrate against persons in authority by expressing dissatisfaction with food, clothing, living conditions, treatment, or other conditions.
- d. Develop a means of harassing confinement personnel in an attempt to gain concessions. This may include a refusal to work or to eat.
- e. Impede or prevent normal operations through damage or destruction of property.

4. Basic techniques used to gain control in situations involving disorders or riots are discussed below and are generally applied in the order in which they are listed. However, these techniques may be applied concurrently or out of sequence depending on the situation variables.

5. Personnel involved in the disturbance should be isolated from other persons who may attempt to join the disturbance. Isolation should be done immediately since organized disturbances may involve prearranged plans for personnel in other compounds to simultaneously initiate a separate disturbance or join the main disturbance. Isolation may be accomplished by means of barriers, by the physical intervention of guards, or by denying mobility to other personnel who may wish to participate in the disturbance.

6. Personnel involved in the disturbance should be dispersed so they cannot function as a cohesive group. It may not be feasible to obtain the degree of dispersion desired between individuals or groups because of limited space. Under such conditions, the desired result may be obtained by immobilizing individuals or groups; forcing them to lie on the ground, to assume the wall search position, or to enter segregation cells.

7. Preventing assemblies is normally done in conjunction with dispersion. Once the participants have been dispersed or rendered ineffective, they must not be allowed to rejoin the disturbance. Continuing and expanding the isolation and dispersion actions described above may accomplish this.

8. Conditions that might lead to disorders or riots should be thoroughly analyzed and expeditiously corrected. Some are—

a. Lack of standard and uniform operational policies throughout a facility. This condition is corrected by establishing complete operational policies, in writing, that conform to the uniform policies established in Army confinement and correction regulations.

b. Poor management of the facility, with particular emphasis on fluctuating policy, favoritism and prejudice, delayed and unfair punishment, abusive treatment, and accumulated distrust and tension. This condition is corrected by following Army regulations that set forth specific responsibilities for uniform operation and administration of Army confinement facilities and correctional treatment methods.

#### PART F- Emergency Plans for Prisoner Disorders.

1. Each confinement facility must have a published plan for the control of prisoner disorders. Local situations will dictate the specific requirements and details that must be incorporated into local operating procedures. This plan must be readily available to the staff, but must also be protected from the prisoner population to preclude unauthorized disclosure of the procedures and actions to be used. The prisoner disorder plan will, as a minimum—

a. Designate persons to be responsible for the implementation of the plan and for implementing alarms and instructions.

b. Set forth the immediate actions required for notification of responsible individuals.

c. Establish means of isolation, removal, and identification of prisoners and ringleaders.

d. Indicate action to be taken to overcome disorders occurring outside the confinement facility involving prisoners.

e. Contain a means of securing and accounting for prisoners during and following implementation of the plan.

f. Establish investigation procedures for determining the cause of the disturbance, identifying the ringleaders, and recommending actions to prevent recurrences.

g. Reflect procedures for testing the plan at least once every 6 months (IAW AR 190-47).

h. Contain instructions concerning employment of priorities of force, emergency equipment, and firearms.

2. Priorities of force. In any situation, only such force will be employed as is reasonably necessary under all attendant circumstances. No person will place hands on a prisoner except in self-defense, to prevent an escape, to prevent injury to persons or damage to property, or to quell a disturbance. In controlling or moving an unruly prisoner, sufficient personnel should be used to



preclude the necessity for striking or inflicting bodily injury on the prisoner. Accordingly, physical force will not be used to force compliance with rules or regulations other than under the following circumstances:

a. When a group or mass breakout, or riot, or other general disorder is imminent, inform the prisoners that authority prevails, that order will be restored, and that means are available to restore it by the vigorous application of force, if necessary. If the situation permits, an attempt will be made to reason with prisoners engaged in a disorder. This is not to be interpreted as requiring bargaining with or making concessions to prisoners in a state of revolt. If reasoning fails, or if the existing situation does not permit reasoning, a direct order will be given to the prisoner to terminate the disorder. This order will not be given until it can be enforced effectively by application of such priorities of force as the situation may require.

b. An incident that involves the taking of hostages or demands for concessions will not preclude the application of force. However, such incidents will be reported immediately to the appropriate commander, if the situation permits, prior to the application of any force.

3. When the use of force is necessary, it will be exercised according to the priorities of force. Force will be limited to the minimum degree necessary under the particular circumstances. When firepower is used, the intent will be to disable rather than to kill. Personnel authorized to direct the use of firearms in the event of a riot or another disturbance will be specifically designated by commanders of confinement facilities. The designated personnel and specific instructions will be incorporated in appropriate plans, operating procedures, or instructions.

4. The application of any or all priorities of force, or the application of a higher numbered priority without first employing a lower numbered one, will depend upon and be consistent with the situation encountered during any particular disorder. A discussion of the priorities of force follows.

a. Verbal persuasion is the lowest level of force and is authorized by the internment facility commander.

(1) Verbal persuasion is used together with Interpersonal Communication (IPC) skills to direct disorderly detainees to cooperate with staff and follow orders.

(2) Verbal persuasion may be used at the onset of verbal altercations between detainees or between detainees and staff members. Verbal persuasion will be used to order disorderly detainees to return to their compound or tent, or order an unruly detainee in segregation to surrender property or prepare to be placed in restraints.

(3) If the situation permits, an attempt will be made to reason with prisoners engaged in any disorder prior to the application of any force. If reasoning fails, or if the existing situation does not permit reasoning, a direct order will be given to prisoners to terminate the disorder. This order will not be given until it can be enforced effectively by application of force as the situation may require.

(4) The use of verbal persuasion should always be attempted prior to escalating to a higher level of force.

b. Show of force is the second level of force.

(1) A show of force is authorized by the internment facility commander.

(2) A show of force is used to show disorderly detainees that the security personnel can stop a disturbance. This consists of assembling enough personnel and equipment at the scene to show the detainees that you have the capability to regain control of the situation, by force, if necessary.

(3) When an alarm sounds at an internment facility, all available staff members run to the site of the alarm. This is an immediate show of force.

(4) Whenever a show of force is directed

(a) Report where directed by supervisor.

(b) Assume position as directed by supervisor.

(c) Do not engage prisoners unless directed to do so.

(d) Await further orders from supervisor.

c. Use of chemical aerosol irritant projectors is the third level of force and will be used IAW local and host nation restrictions:

(1) Use of oleoresin capsicum (OC) cayenne pepper and (CS) incapacitating sprays (as applicable), are authorized, but not limited, under the following circumstances:

(a) The installation/theater commander or his designated representative(s) authorized the use of CS and OC spray. This must be in writing, on file, at the internment facility.

(b) If a prisoner is unruly and is known to have a weapon in his possession.

(c) If a prisoner has barricaded himself inside his cell/area.

(d) If a prisoner has smeared a slippery substance on his body or on the floor and walls of the cell/immediate location.

(e) The prisoner cannot be approached without risk of serious physical injury to the detainee or others, or the approach would result in a major disturbance or serious property damage.

(2) OC pepper spray may be carried by armed escort guards outside the internment facility to assist the guard in applying the proper level of force when controlling an unruly detainee IAW local Standard Operating Procedure (SOP).

(3) A medical doctor should be consulted prior to the use of OC pepper spray, unless the commander determines that circumstances are such that immediate use is necessary. Whenever

possible, the detainee's medical file should first be reviewed by a doctor to determine whether the prisoner has any diseases or conditions including, but not limited to, asthma, emphysema, bronchitis, tuberculosis, obstructive pulmonary disease, angina pectoris, cardiac myopathy, or congestive heart failure, which would be dangerously affected if the OC pepper spray or CS was used.

(4) OC pepper spray and CS will only be employed as a last resort after all lesser means to control the situation have failed or cannot reasonably be employed.

(5) The personnel will not be permitted to perform this task until they have received instruction on its use, applicable regulations, and local SOPs. Additionally, annual refresher training should be given to all personnel assigned, to ensure that they continue to be thoroughly familiar with all restrictions on its use.

(6) Use riot control agents and agent dispersers as directed by your supervisor, IAW local SOP.

d. Use of physical force other than weapons fire is the fourth level of force used as follows:

(1) Physical force will include the use of riot batons and high-pressure water.

(2) Use physical force only when necessary and reasonable to control the situation. The internment facility commander or his designated representative must approve the application of physical force. Physical force may be necessary to return prisoners back to their cells/living areas or to remove a ringleader during disturbances.

(3) Avoid one-on-one confrontations, which require "strong-arm" tactics.

(4) Physical force may be used against a prisoner:

(a) In self-defense.

(b) To prevent an escape.

(c) To prevent injury to persons or damage to property.

(d) To quell a disturbance.

(e) To move an unruly detainee. (Sufficient personnel should be used to overcome the individual's resistance IAW SOP.)

(5) The use of physical force (except in emergency situations) must be approved by the internment facility commander.

(6) The use of riot batons will be used IAW local SOP in order to restore order to the internment facility as applicable.

(7) The Commander or designated representative should provide all available training to ensure that all personnel are familiar with the proper employment of the riot baton.

(8) High-pressure water is used primarily to disperse a group of disorderly prisoners. When used, either spray the water over the detainee's head or at the detainee's lower body (legs and feet). (In cold weather, personnel may be directed to spray over the prisoner's heads. This will allow a spray of mist to fall on the prisoners.) Never spray at prisoner's head.

**NOTE:** All applications of force should be recorded in the internment facility blotter. All applications of force, to include preparatory announcement and warnings, will be videotaped.

e. Presentation of a deadly force capability, the fifth level, will be used to show disorderly prisoners that the security personnel can and will stop the disturbance.

(1) This consists of assembling enough personnel and weapons at the scene to show the prisoners that you have the capability to regain control of the situation.

(2) Presentations of deadly force may include drawing a weapon (9-mm) from its holster during an escape attempt and pointing it at the escaping detainee while ordering him to halt.

f. Deadly force, the last level of force, will be used:

(1) The use of firearms or other means of deadly force is justified only under conditions of extreme necessity as a last resort. Whenever deadly force is used, the internment facility commander must have written authorization from the installation/theater commander on file.

(2) When directed to use deadly force, shoot to disable, not to kill.

(3) Fire by selected marksmen. Selected marksmen are used for firing on groups and individuals who are committing acts that endanger the lives of other prisoners or personnel being used to quell the riot or disorder. These marksmen may be used as directed by the installation commander or his designated representative.

(4) Use of full firepower. If it is determined that the riot or disorder has progressed to the point where the lives of the security force and the security of the facility are seriously endangered and all other means of control have been ineffective, full firepower of the security force may be used as directed by the installation commander or his designated representative.

(5) Authorization, in writing, from the installation commander, as to the use of the above priorities of force, should be on file in the confinement facility.

## PART G - Bomb Threats.

1. Before discussing how to react to a bomb threat, bomb search techniques, and actions to take upon encountering a bomb, we will cover some definitions.

2. A bomb is a device capable of producing damage to material and injury or death to personnel when detonated or ignited. Bombs are classified as explosive or incendiary. An explosive bomb causes damage by fragmentation, heat, and blast wave. The heat produced often causes a secondary incendiary effect. An incendiary bomb generates fire-producing heat without substantial explosion when ignited.

3. With the above definition in mind, a telephone call indicating a bomb has been placed in a confinement facility must be taken seriously. One must try to obtain as much information as possible must be obtained concerning the bomb and the caller. As a minimum, the following steps should be accomplished with certain information obtained:

- a. Designate persons to be responsible for the implementation of the plan and for implementing alarms and instructions.
- b. Remain calm and courteous to the caller and listen very carefully. Do not interrupt the caller.
- c. Notify the supervisor while the caller is on the line. Use the prearranged signal for the facility.
- d. Keep the conversations going as long as possible by pretending to have difficulty in hearing. By doing this, it may be possible to trace the location of the caller.
- e. Note the time and date of the call. Record in writing or with a recorder, the exact words the caller uses. Note any accent or peculiarity of speech and listen for background noises. Use the bomb threat checklist.
- f. Obtain all available information about the caller, his name and location by carefully asking questions. Listen for background noises such as trains, planes, or similar sounds that may help to pin down the caller's location.
- g. Inform the caller that the building is occupied with cadre, prisoners, and civilians.
- h. Do not use radio transmissions to communicate. This could set the device off.

#### PART H - Emergency Plan for Bomb Threats.

1. In any discussion of the handling, disarming, or disposal of bombs, it must be realized that the exterior appearance of a known or suspected bomb gives little or no indication of the explosive used or the manner of construction. Both of these key factors are largely dependent upon the availability of materials and the technical skill of the person making or planting the bomb.

2. In view of the infinite varieties possible, it is obvious that no set procedure can be established for the handling of bombs. However, the primary consideration is the safety of life and property. Certain basic rules must be followed:

- a. Designate persons to be responsible for the implementation of the plan and for implementing alarms and instructions.

b. Evacuation will be determined by the bomb scene officer (normally the facility commander) after a thorough evaluation of all available information.

c. Evacuation must occur with the same compliance and speed as that of a fire drill. All correctional staff will remove those items that they brought in (briefcases, thermos bottles, lunch bags), turn off radios, open windows and doors, and unlock cabinets and drawers.

d. Evacuate to a predetermined assembly area at least 300 feet from the structure. Conduct a head count/roll call of the prisoners and account for correctional personnel.

e. Search team personnel should be familiar with the area that they are assigned to search, and know how to conduct a systematic search.

f. Do not use, or allow anyone to use, a radio transmitter inside or near the building as it could set off the device. When communications are needed, a telephone or messenger must be used.

Instructions: Be calm. Be courteous. Listen, do not interrupt the caller. Notify supervisor/security officer by prearranged signal while caller is on line.

Name of Operator \_\_\_\_\_ Time \_\_\_\_\_ Date \_\_\_\_\_

**Caller's Identity**  
 Sex: ☐ Male ☐ Female ☐ Adult ☐ Juvenile Approximate age: Years \_\_\_\_\_

**Origin of Call**  
☐ Local ☐ Booth ☐ Internal (From within bldg)  
☐ Long Distance If Internal, leave line open for tracing the call.

**Voice Characteristics** **Speech** **Language**  
☐ Loud ☐ Soft ☐ Fast ☐ Slow ☐ Excellent ☐ Good  
☐ High Pitch ☐ Deep ☐ Distinct ☐ Distorted ☐ Fair ☐ Poor  
☐ Raspy ☐ Pleasant ☐ Stutter ☐ Nasal ☐ Foul ☐ Other \_\_\_\_\_  
☐ Intoxicated ☐ Other \_\_\_\_\_ ☐ Slurred ☐ Lisp ☐ Other \_\_\_\_\_

**Accent** **Manner** **Background Noises**  
☐ Local ☐ Calm ☐ Angry ☐ Factory Machines ☐ Trains  
☐ Not Local ☐ Rational ☐ Irrational ☐ Bedlam ☐ Animals  
 Region \_\_\_\_\_ ☐ Coherent ☐ Incoherent ☐ Music ☐ Quiet  
☐ Foreign ☐ Deliberate ☐ Emotional ☐ Office Machines ☐ Voices  
 Race \_\_\_\_\_ ☐ Righteous ☐ Laughing ☐ Mixed ☐ Airplanes  
☐ Street Traffic ☐ Party Atmosphere

**Bomb Facts**  
 Pretend difficulty with your hearing. Keep caller talking.  
 If caller seems agreeable to further conversation, ask questions like —  
 When will it go off? Certain Hour - Time Remaining - What kind of bomb? - Where are you now?  
 How do you know so much about the bomb? - What is your name and address?  
 If building is occupied, inform caller that detonation could cause injury or death.  
 Did caller appear familiar with plant or building by his description of the bomb location?  
 Write out the message in its entirety and any other comments on a separate sheet of paper and attach to this checklist.

**Action To Take Immediately After Call**  
 Notify your supervisor/security officer as instructed. Talk to no one other than as instructed by your supervisor/security officer.

Figure H-1. Sample Bomb-Threat Data Card

FIGURE 5-1. BOMB THREAT CHECKLIST.

- g. Do not touch the device; this may cause it to detonate. Stay away from it and keep some cover between the device and any personnel required to be in the immediate area.

- h. Warn everyone to take cover or leave the area, if possible.
- i. Notify the supervisor of the situation by telephone or send a messenger. Do not use radio transmitters. This may also detonate the device, if it is set for remote control detonation. Do not turn on light switches.
- j. Secure the area until released by your supervisor. Do not let anyone into the threatened area without the approval of your supervisor or the bomb scene officer. If the device detonates, give first aid to anyone who is hurt and evacuate the injured. Turn off all gas and electricity to the area. Remove items that can cause secondary explosions, to include fire extinguishers, paints, etc. With a string, mark the route from the bomb to the nearest exit or safe area. Any debris found in the area should not be tampered with as the evidential value may be destroyed. In addition, the area should be secured until released by a supervisor.

## SUMMARY

Remember the importance of the confinement facility having well-defined and well-rehearsed emergency plans ready for implementation. Every member of the confinement facility staff plays an important part in emergency planning. The responsibility is not limited to the facility commander. The facility commander, thorough understanding of the reasons and causes for emergencies develops well-defined emergency plans to cope with emergency situations.



### **Lesson 5 Practice Exercise**

The following questions are multiple choice and/or true/false. You are to select the one that is correct. Show your choice by **CIRCLING** the letter beside the correct choice directly on the page. This is a self-graded lesson exercise. Do not look up the correct answer from the lesson solution sheet until you have finished. To do so may hinder your ability to learn this material. Also, your final examination score will tend to be lower than if you had not followed the recommendation.

1. Fire and evacuation plan test procedures will be tested at least:
  - A. Once a week.
  - B. Twice a month.
  - C. Once a month.
  - D. Once a quarter.
2. The prisoner disorder plan will be tested:
  - A. Monthly.
  - B. Quarterly.
  - C. Twice a year.
  - D. Annually.
3. Specific requirements and details incorporated into the escaped prisoner plan will be:
  - A. The same for all confinement facilities.
  - B. Depend upon the number of prisoners confined.
  - C. Dictated by local situations.
  - D. Required when published in directive.
4. Within the confinement facility, fire marshals will be selected from:
  - A. Each guard shift.
  - B. Personnel who are school trained.
  - C. Each principal section and activity of the facility.

- D. Personnel who live in the troop billets.
5. The duplicate set of cellblock keys will be:
- A. In the possession of the MP duty officer.
  - B. Stored at a designated central location.
  - C. In the possession of the officer of the day.
  - D. Stored in the confinement facility security safe.
6. What is the authorized shotgun ammunition for prisoner guards armed with this weapon?
- A. Number 4 trap load.
  - B. Number 00 buck.
  - C. Number 9 hard-chilled shot.
  - D. Number 9 shot in trap loads of 2 3/4 grams.
7. The prisoner disorder plan should include provisions for:
- A. The isolation and removal of ringleaders.
  - B. Using CS grenades in any nonflammable structure.
  - C. Separating prisoners by custody grade.
  - D. Quarterly testing.
8. On the basis that incidents occur without warning, formal written emergency plans will be developed to:
- A. Provide guidance and instructions in anticipation of serious incidents.
  - B. Provide guidance on methods to forecast the exact nature of a serious incident.
  - C. Provide instructions and guidance on the expeditious implementation of emergency action.
  - D. Adequately safeguard emergency procedures, which require protection from prisoners because of the sensitive nature of the subject matter.
9. Monotony or routine in a correctional or a confinement facility can be reduced by:
- A. Scheduling more activities to keep the prisoner busy.

- B. Changing the recreation program.
  - C. Increasing the number of letters that a prisoner may send.
  - D. Making changes in the prisoner's correctional treatment program as required.
10. If prisoners take hostages during a serious disorder at the facility:
- A. Fire by selected marksmen should be used.
  - B. No attempt should be made to reason with the prisoners.
  - C. The presence of a hostage or hostages will not preclude the application of force.
  - D. To ensure the safety of hostages, no force greater than the use of water is allowed.

## ANSWER KEY AND FEEDBACK

<u>Item</u>	<u>Correct Answer and Feedback</u>
-------------	------------------------------------

- |    |                  |
|----|------------------|
| 1. | C. Once a month. |
|----|------------------|

Testing at least once a month (IAW AR 190-47) (page 78).

- |    |                  |
|----|------------------|
| 2. | C. Twice a year. |
|----|------------------|

Reflect procedures for testing the plan at least once every 6 months (IAW AR 190-47) (page 80).

- |    |                                  |
|----|----------------------------------|
| 3. | C. Dictated by local situations. |
|----|----------------------------------|

Local situations will dictate the specific requirements and details that must be incorporated into local operating procedures (page 75).

- |    |   |
|----|---|
| 4. | C. Each principal section and activity of the facility. |
|----|---|

Fire marshals will be selected from the principal sections or activities of the confinement facility (page 77).

- |    |   |
|----|---|
| 5. | B. Stored at a designed central location. |
|----|---|

The system must include a plainly marked duplicate set of keys to all doors. The keys will always be available at a central location, well known to all the confinement facility staff (page 78).

- |    |  |
|----|--|
| 6. | D. Number 9 shot in trap loads of 2 3/4 grams. |
|----|--|

Authorized ammunition for armed corrections officers (perimeter and escort corrections officers) is number 9 shot in trap loads of 2 3/4 grams equivalent of powder, 1 1/8 ounces of shot for shotguns (page 76).

- |    |  |
|----|--|
| 7. | A. The isolation and removal of ringleaders. |
|----|--|

Establish means of isolation, removal, and identification of prisoners and ringleaders (page 80).

- |    |   |
|----|---|
| 8. | C. Provide instructions and guidance on the expeditious implementation of emergency action. |
|----|---|

More specifically, formal written emergency plans that provide guidance for expeditious implementation of emergency actions are required at each facility for escape, fires, and prisoner disorders (page 90).

- |    |   |
|----|---|
| 9. | D. Making changes in the prisoner's correctional treatment program as required. |
|----|---|

Monotony. Monotony or routine in a confinement facility can normally be overcome by changes in the prisoner's correctional treatment program (page 75).

10. C. The presence of a hostage or hostages will not preclude the application of force.

An incident that involves the taking of hostages or demands for concessions will not preclude the application of force (page 81).

## LESSON 6

### MILITARY LEADERSHIP, ATTITUDINAL DEVELOPMENT, AND THE CORRECTIONAL SUPERVISOR

#### OVERVIEW

LESSON DESCRIPTION: This lesson will discuss the key role that leadership plays in an Army correctional facility and how that role affects both cadre and prisoners.

#### TERMINAL LEARNING OBJECTIVE:

**ACTION:** Discuss the key role that leadership plays in an Army correctional facility.

**CONDITIONS:** You will have this subcourse.

**STANDARDS:** You must demonstrate knowledge of the task by scoring at least 70 percent correct answers on the subcourse examination.

**REFERENCES:** AR 190-47 and FM 22-100.

#### INTRODUCTION

The term leadership is an all-encompassing term that is at the very heart of the military profession. Without leadership, the best men, the most efficient organization, a superior logistics system, and the finest weapons that can be produced by modern technology cannot be meshed to realize full and proper potential as a fighting force. With leadership, inferior forces with obsolete equipment and meager supplies have accomplished "miracles" as the long history of warfare can attest. Leadership, then, is both a necessary and sufficient requisite for any professional military organization.

**PART A - Discuss the key role that leadership plays in an Army correctional facility.**

1. To correctional supervisors, leadership has a very special meaning. Too often we use the more general term supervision without knowing precisely what it means. Proper supervision is simply applying good leadership. The junior enlisted personnel with whom you come into contact look to you for leadership; it is your responsibility to provide them the guidance that is necessary for them to develop and maximize their own leadership abilities. This is particularly important because these junior personnel are in close proximity with prisoners. Prisoners themselves are too often in confinement or other correction facilities because of a lack of leadership or poor leadership at a critical time in their lives. The proper application of leadership is a major factor in correctional treatment.

2. The term leadership is an all-encompassing term that is at the very heart of the military profession. Without leadership, the best Soldier, the most efficient organization, a superior logistics system, and the finest weapons that can be produced by modern technology cannot be meshed to realize full and proper potential as a fighting force. With leadership, inferior forces with obsolete equipment and meager supplies have accomplished miracles as the long history of warfare can attest. Leadership, then, is both a necessary and sufficient requisite for any professional military organization.

3. In military as well as in civilian usage, the functions of command, management, and leadership are a question of interpretation due to their interrelationship. Nevertheless, it is necessary to understand each of these terms as we define them to have a common foundation with which to begin our study of leadership.

4. A command is the authority a person in the military service lawfully exercises over subordinates by virtue of his rank and assignment or position. Command, to the NCO, is based primarily on authority delegated through the chain of command. Command provides the legal basis for the exercise of the broad activities of leadership and management. Legitimate authority also carries with it responsibility such that we are all morally and legally accountable for our actions. Guidelines for the responsibility and authority exercised by officers and NCOs come from regulations, manuals, orders, and directives. But these do not cover all situations. Lacking established guidelines, personal judgment and experience come into play so that the effective commander or leader does that which is right and continues to function.

5. Management is the process of planning, organizing, coordinating, directing, and controlling resources such as personnel, material, time, and money to accomplish the organizational mission. Of all the resources available to the manager, personnel are the most important as this resource is central to the employment of all other assets. A manager uses the process of leadership to manage personnel. A commander is therefore both a leader and a manager.

6. There are many definitions of leadership, but all such definitions indicate that it is a process involving both personnel and a mission or goal. Military leadership is the process of influencing personnel in a manner to accomplish the mission. Leadership involves the personal relationship of one person to another and the ability to use one's personality to directly influence one's subordinates to accomplish the mission. Ideally, the process of leadership obtains the willing cooperation of subordinates through persuasion. Persuasion does not mean that the leader takes a vote to determine a course of action or that the leader's decision to act is open to argument from his subordinates. It means that, because of the leader's sound judgment, knowledge, and personal relationships with his personnel, he is able to direct his personnel's attitudes, as well as their behavior, toward the attainment of organizational goals. But because of the unique circumstances of the military organization, with particular emphasis on the combat always effective or appropriate. It is sometimes necessary to apply a more authoritarian form of leadership in combination with persuasion.

7. The concept of leadership for the US Army is based on accomplishing the organizational mission while preserving the dignity of the individual. This concept requires that a continuing effort be made toward maintaining a proper balance at all times between fulfillment of the goals of the organization and the needs and goals of its members. It therefore follows that leadership behavior must be both flexible in technique and personal in application to motivate the Soldier and

to promote and maintain a high state of discipline and responsiveness. While the ultimate objective of leadership is and will always be accomplishment of the mission, the military leader cannot afford to focus his efforts entirely on the accomplishment of short-term goals at the expense of his subordinates. In the long run, dealing only with short-term goals will prove to be detrimental to both the Soldier and the unit. Leadership, therefore, can no longer be reduced to the simple equation of the mission and the personnel, which would require the mission to always take precedence over the welfare of the personnel. While it may be true in some cases that the mission (even in the short-term) must have precedence over the welfare of subordinates, such are extreme cases. Effective military leadership thus has three distinct components:

- a. Accomplish the mission.
- b. Expend minimum time and effort.
- c. Maintain an appropriate balance between the unit, group, and individual needs and goals.

## PART B - Leadership Development.

1. Developing leadership is a twofold task. The first task—that of learning the values and attributes of leadership and aspects of human behavior—may be accomplished in an academic environment. The second task—that of applying that which has been learned—may take place in a real world environment. The two tasks complement and reinforce each other.

2. At the same time, the leader is learning more about human behavior and how to apply that knowledge; he must increase his tactical and technical proficiency. In the long run, professional job competence is an absolute prerequisite to truly effective leadership and to gaining influence with subordinates, peers, and superiors alike. Only through the simultaneous development of these skills can a leader mold the personnel for whom he is responsible.

3. For leaders to achieve their potential, they must have the opportunity to exercise their skills. The junior leader especially must be given the opportunity to use initiative even though mistakes due to lack of knowledge and experience, as well as errors in judgment, may occur.

4. Senior leaders, because of their greater experience and their desire to do the job right the first time, too frequently do the junior leader's job for them. Junior leaders, however, will not improve unless they are given an opportunity to perform on their own. This opportunity should be granted initially on routine tasks and progress to tasks that are more complex and demanding. Where serious errors and mistakes occur, the senior leader's knowledge and guidance to his subordinate can and ought to be brought into play. We must remember that leadership is not something that some have and some don't; leadership is developed and nurtured. The senior leader who fails to grant his subordinates the opportunity to learn by their own experience is, in reality, negligent in fulfilling one of his most important responsibilities—that of developing effective leaders who will eventually replace him.

5. Human Characteristics. All people are different in varying degrees. Personalities are the dynamic product of heredity, environment, and experience as well as the interaction of physical, mental, and emotional characteristics. These characteristics vary from person to person.



6. Physical and Mental Characteristics. These characteristics help to determine types of work for which an individual is best suited. They also indicate the types and intensity of physical work he can be expected to perform. Some individuals are better at jobs requiring mechanical ability; others are capable of performing complex mental tasks requiring reasoning, deduction, and application. If a bright individual is given a dull job, he may become bored and resentful. If a person is given a job beyond his capability, he may become discouraged, frustrated, or resentful. A person assigned outside of their capabilities cannot be expected to make the maximum contribution to the team effort.

7. Emotional Characteristics. These are particularly important parts of a Soldier's personality. The way a Soldier reacts to a difficult problem, to danger, or to hardship—all must be understood by the leader. Under pressure, one man may become angered while another may quit or run away; still another may react very calmly.

8. Each individual's personality is unique and is constantly changing. People change physically, mentally, and emotionally as they mature and gain more experience. Factors that tend to shape personality are discussed below.

9. Heredity. Each person inherits many characteristics from his parents. One may, for example, inherit the intelligence to become a top scientist or inherit the potential to grow to be six feet tall. Whether or not they attain the upper limits of their inherited potential depends upon their environment and life experiences.

10. Environment. Those aspects of the world as the Soldier knows them--the family to which the Soldier belongs, the churches and schools he attends, the culture of his group--constitute his environment. These aspects have a pronounced effect on his personality. Taking the example of the boy who inherits the potential to be a six-footer, the type of food, amount of exercise, and the health conditions that are a part of his environment may either help or deter him from attaining his potential height. The individual's environment may accelerate or retard the development of inherited mental capacity.

11. Experiences. Identical twins may be reared in the same environment, but still develop different personalities. One encounters experiences different than the other. The unique experiences that each person encounters affect him mentally and physically. In addition, these varied experiences play a definite role in emotional growth and in shaping attitudes. Due to these differences in heredity, environment, and experiences (and there are indeed profound differences), each individual must be evaluated and treated according to his needs.

12. Human Needs General. For many years, scholars have studied human behavior and have offered literally hundreds of explanations of human nature and human actions. While no one explanation of human behavior is completely satisfactory, all behaviorists agree that there are certain factors, elements or needs that cause personnel to behave in certain ways and to do certain things. The most basic of these factors are human needs.

13. Human needs are those necessary for a person's existence and for mental and emotional stability. The human needs required for existence are called physical needs and include food, water, shelter, clothing, and the elimination of metabolic wastes. Those needs required for mental and

emotional stability are called learned needs and include safety, social acceptance, and self-fulfillment. Human needs are the same for all personnel, but they vary in importance of degree from one person to another.

14. Relationship of Needs. Understanding the difference between physical and learned needs, we can now examine the relationship between such needs. One attempt to classify human needs—probably the best known and easiest to understand—was developed by Abraham H. Maslow. According to Maslow's theory (or hierarchy), human needs develop from lower to higher needs with the lower needs having to be satisfied before the higher needs can develop.

15. Discussion. Applying Maslow's hierarchy, a person who has not had water for a long time experiences thirst, and his most immediate need is a physical one, namely, gratification of his thirst through drinking. This physical need transcends, in its immediate importance, all other human needs required for mental or emotional stability. The physical needs do not usually cause the leader or follower any problem except under the most trying circumstances such as during combat or a natural disaster. When these physical needs are not satisfied, a person turns his attention from the task at hand, in terms of the organizational mission, to his own personal well-being.

16. Above the physical needs, are the learned needs, which man progresses to when physical needs are fulfilled. First in order are the safety needs. This most basic of learned needs has been developed through man's relationship with man and society in general. As an example, a safety or security need is concerned with protection of one's personal possessions. Law has its origin in this learned need for safety and security.

17. Next in the hierarchy is the need for belonging and social acceptance. So long as an individual perceives himself as not belonging to a group, he is not a productive Soldier and cannot progress to the next step in the hierarchy.

18. Esteem needs follow in the hierarchy and can be realized by leaders being people oriented as opposed to system oriented. The subordinate needs an occasional pat on the back for a job well done to earn the respect of his peers. Likewise, the prisoner in confinement needs to be treated as an individual so he feels that you, as a correctional supervisor, respect him as a human being regardless of the circumstances in which he finds himself.

19. Progressing up the hierarchy, the highest human need in Maslow's hierarchy is self-fulfillment. But how do we go about the business of stimulating, encouraging or assisting our subordinates or military prisoners in confinement to progressively satisfying each human need so they can arrive at the pinnacle of the hierarchy, namely, that of self-actualization where each individual would realize his full potential for becoming that which he is capable of becoming? Read the following discussion on motivation.

## PART C - Motivation.

1. The task of motivating subordinates and the military prisoner is squarely on the leader's shoulders. His first task in motivating his personnel is to recognize the existence of both the formal and informal contracts between the Soldier and the Army. He must ensure that the terms of these contracts are met. The formal contract is the military obligation that man incurs when he is sworn into military service. The informal contract consists of those implied obligations and

responsibilities that the organization and the Soldier have to each other. The informal contract is largely based on the individual and the organizational expectations and on the necessity for each to satisfy the other. The conflict between expectations and reality poses human problems that the leader must be prepared to deal with on a continuing basis.

2. Needs form the basis for personnel's actions. Needs motivate men to behave in certain ways and to do certain things. Therefore, any attempt to motivate must be based on an understanding of human needs and must be directed at satisfying those needs. Motivation is directly related to performance in daily life and is associated with the higher needs of Maslow's hierarchy as described previously in this lesson.

3. Some of the lower needs of Maslow's hierarchy are related to job environment. Failure to provide these needs creates dissatisfaction. If the environment contains dissatisfiers (such as safety hazards or physical needs), the individual will be concerned with his own well-being to the point of excluding all other activities that do not lead to this satisfaction. Thus, performance is directed only to this end, and organizational needs suffer accordingly. It is interesting to note, however, that elimination of dissatisfiers alone does not create motivation.

4. In the progressive ladder of motivators and satisfiers, the elimination of dissatisfiers causes a neutral situation in which motivation can occur. The satisfaction of needs on the positive side of the scale motivates subordinates and military prisoners alike, particularly the restorable prisoner. Motivation is thus a complete process dependent upon the interaction of all needs. Motivation is achieved based on those needs created by the situation and on a combination of personal (individual) and group needs. We might conclude that everyone has some type of motivation to do something, for man is a rational being. The effective leader must work toward eliminating dissatisfiers while simultaneously accentuating the motivators so the complex social process can go forward.

5. The primary question for the leader is "How can the motives of the individual be channeled toward obtaining objectives?" In answering this question, the following factors influence an individual's motivation to perform well:

a. Motivation to Try. This is simply challenging the individual to experience the feeling that he can succeed if he tries. The leader offers support, encouragement, and assistance to the individual. This is important because, on difficult tasks, the one encouraged will tend to keep on trying until he ultimately succeeds; without encouragement and support, he may simply quit.

b. Expectation of Recognition for Good Work. This is simply encouraging the individual's feeling that he will be recognized, tangibly or intangibly, for his performance. The individual will thus tend to translate organizational or institutional goals into personal goals in which he has a stake. On the other side of the coin, however, a capable individual should never be allowed to escape the adverse consequences of his poor or unsatisfactory performance. Always, however, accentuate the positive rather than the negative. By this process, organizational or institutional goals and personal goals become reinforcing.

c. The Value of Recognition for Good Performance. Praise, an intangible reward, is the most significant motivator as it affords the recipient a degree of prestige in the eyes of his peers. Further, it benefits the individual's ego and tends to improve his self-image. Thus, the individual

who is praised for satisfactory performance (or improved performance) begins to experience the feeling that he is worth something as an individual because he has been recognized by those persons in authority. In sharp contrast to this is the supervisor or leader who never praises or compliments the individual's satisfactory or improved performance. Such a course of action destroys motivation because the individual begins to believe that he can never perform well or that his superiors are simply not interested in good performance.

d. The Probability of Punishment. This is the negative motivator which must be judiciously used by the leader, but which is effective nevertheless. Prompt and firm punishment at the first occurrence, assuming that the individual knows that punishment is a consequence of his failure to perform beforehand, may salvage the individual and serve to motivate satisfactory performance in the future. In the case of a military prisoner, if prompt, firm, and fair punishment fails to motivate the Soldier after repeated trials, the prisoner is probably nonrestorable and serious consideration should be given to eliminating him from the service.

## PART D - Values.

1. Through an understanding of human behavior, the leader is better able to analyze, predict, and influence the behavior of his personnel. The military ethic, which is the same as the predominant social ethic in civilized society, states that each individual is responsible for his own actions. By implication, living by this ethic is worthwhile or right; we have just defined (in a roundabout way) what a value system is all about.

2. So what are values and what do values do? A value may be defined more specifically as an attitude for or against an event based on the belief that it helps or harms some person, group, or institution. A value is an outward and recognizable display of behavior that is observable and measurable. Values have also been defined as learned goals, which are developed beginning at the moment of birth.

3. Values are a person's psychological center and form his character. To truly understand man, it is necessary to identify and be able to understand a person's value system.

4. How can values be identified? Personal values are those traits that are representative of an individual's moral character. Although the importance of values varies from person to person, examples of personal values commonly include honesty, responsibility, loyalty, moral courage, and friendliness.

5. Social values, which are learned, include loving, interpersonal relationships, social consciousness, equality, justice, freedom, liberty, and pride in country. These learned values accrue through both educational and experiential processes. For example, social values are those which parents teach their children so that their offspring will be able to differentiate right from wrong. Social values are further subdivided into four classes:

a. Motivation to Try. This is simply challenging the individual to experience the feeling that he can succeed if he tries. The leader offers support, encouragement, and assistance to the individual. This is important because, on difficult tasks, the encouraged man will tend to keep on trying until he ultimately succeeds; without encouragement and support, he may simply quit.

- b. Folkways—values people accept out of habit.
  - c. Mores—a code of morality that governs social behavior. (The Commandment of the lawgiver Moses of the Old Testament, "Thou shalt not kill," is a more that is universal to western culture.)
  - d. Institutional ways—practices established under law (such as the requirement to have a driver's license before operating motor vehicles).
  - e. Taboos—the emphatic dos and don'ts of a particular society. Although generally associated with nontechnical cultures or so-called primitive peoples, social taboos exist to this day. (The prohibition against incest may be classified as a taboo because it had its origins as a taboo.)
6. Economic values are identified through such factors as equal employment, a stable economy, the balancing of supply and demand of productive goods, money, private property, pride of ownership, and taxes.
7. Political values include loyalty to one's country, concern for the national welfare, and adherence to democratic principles and the American Way, public service, voting, civic responsibility, and free elections.
8. Religious values are generally characterized by reverence for life, human dignity, and the freedom to worship (or not worship, for that matter) as one pleases.
9. So what is the relationship of values to human behavior? Quite simply, a person's behavior is the product of his values, which have been formulated through a number of institutions such as home or school, peer group and neighborhood, community and employment, and church or house of worship. Through these institutions, a code of behavior is disseminated and, in a sense, is thrust upon the individual in the formative years of his development. Values also change throughout life based on one's experience and environment.

#### PART E - Attitudinal Development.

1. Attitudes, which have previously been defined in this lesson, must be viewed in a situational context. That is, if behavior is the result of an individual's reaction to a situation, group, or leader, the individual's reaction is dependent upon what the situation is and how he interprets the situation. Thus, if three people were placed in the same situation, their reactions to the situation would probably vary because each would perceive the situation differently. Such differences are attitudes.
2. Attitudes are learned much in the same way as are values. This learning occurs gradually and over a period of time. Most attitudes are learned from those experiences that cause an impression to be formed. Favorable experiences cause the formation of positive attitudes and unfavorable experiences. Further, we can and do borrow attitudes from others such as parents, friends, and peers. As an example, a Soldier enters the military service for the first time and finds his first military superior to be concerned with his welfare and interested in him as an individual. Such a Soldier is likely to form a positive attitude toward military service. Once attitudes are formed, they make up a frame of reference for the individual for his actions and what he sees. Since

attitudes are learned, they are capable of being changed or reformed. Age, position, education, and experience influence attitudinal development. Therefore, the prisoner with the bad attitude is not a lost cause.

3. Adaptation. Attitudes are adaptive in that they help us adjust to the situation. We tend to look forward to those things in our environment that reward us and avoid those things that penalize us.

4. Ego-defense Mechanism. Attitudes help each of us defend our self-image, which protects the way we think about ourselves.

5. An Expression of Our Value System. The attitudes a person has can serve the purpose of informing his peers, superiors, and subordinates about what makes him tick as a person.

6. Interpretative. The way in which an individual views the world about him and the people with whom he comes in contact is shaped or colored by the attitudes of the individual. An individual's reality is that which he perceives and understands through his own faculties.

7. Some methods by which a leader can try and create better attitudes within his subordinates include:

a. Motivation to Try. This is simply challenging the individual to experience the feeling that he can succeed if he tries. The leader offers support, encouragement, and assistance to the individual. This is important because, on difficult tasks, the encouraged person will tend to keep on trying until he ultimately succeeds; without encouragement and support, he may simply quit.

b. Providing information.

c. Showing concern.

d. Changing a person's status.

e. Allowing discussion.

8. As a correctional supervisor working with junior enlisted personnel and military prisoners, the attitudes that you personally have toward your work is a most significant factor bearing on how successful you will be. A proper set of attitudes will produce tangible and observable results such as:

a. Enabling your subordinates to maintain proper control of prisoners.

b. Helping attain desired correctional objectives.

c. Helping prisoners to change their attitudes and behaviors.

9. On the other hand, improper attitudes on your part may—

a. Cause prisoners to lose a healthy respect for authority.

- b. Compromise the value of services provided by other correctional personnel.
- c. Arouse poor attitudes within prisoners.
- d. Serve to reinforce improper behaviors on the part of prisoners.

10. Some desirable attitudes for correctional personnel are firmness, fairness, confidence, sincerity, personal integrity, and tact. Some undesirable attitudes for correctional personnel are hostility, excessive sympathy, fear, contempt, and harshness.

11. All correctional personnel must continuously strive to think and act in positive terms. Think what you can do for prisoners, not what you can do to prisoners.

## PART F - Stress

1. Attitudes, which have previously been defined in this lesson, must be viewed in a situational context. That is, if behavior is the result of an individual's reaction to a situation, group, or leader, the individual's reaction is dependent upon what the situation is and how he interprets the situation. Thus, if three people were placed in the same situation, their reactions to the situation would probably vary because each would perceive the situation differently. Such differences are attitudes.

2. A common problem faced by leaders in the Army is that of dealing with stress. Stress is common in everyday life and it occurs both on and off the job.

3. Stress can be defined as any personal or environmental event that produces an automatic nervous system response. Stress can be positive or negative. Stress can be caused by a personal or family change. These automated nervous responses affect the heart, blood, and muscles.

4. Early warning signs:

- a. Rapid mood change.
- b. Depression.
- c. Excessive use of alcohol.
- d. Excessive violence.
- e. Weight gain/loss.
- f. Overly suspicious (paranoia).

5. These are just some of the early warning signs. Some of these could even be combined, causing an automatic response.

6. What are some signs of stress you might face on the job? Shift work is one; usually the day shift is the most hectic.

7. Working long hours for an extended period of time can cause work overload and fatigue. Daily shifts can range anywhere from 8 to 24 hours.

8. Work overload or trying to do too much at one time causes burnout.

9. When rotating shifts every 3 to 5 days, your body never gets a chance to adapt to time changes.

10. Facing stress off the job is basically similar to on the job. Some examples of stress off the job: money matters, illness, lack of personal time or other distractions.

11. Here are a few ways of coping with stress both on and off the job:

- a. Concentrate on one task at a time; avoid that "burnout" stage.
- b. Do not push yourself beyond your limits of achievement.
- c. Do not be concerned with failure, concentrate on the job at hand and drive on.
- d. Take one day at a time.
- e. Be a good listener and keep answers short if possible.
- f. If at all possible leave the job at the work place. Don't take it home with you.
- g. Get involved in some type of physical exercise.
- h. Eat a well balanced diet.
- i. Get at least 8 hours of sleep when possible.
- j. Stay physically fit by exercising at least three times a week.
- k. Seek professional assistance.

12. Everyone is affected by stress—some more than others. Serious cases of stress can cause heart disease. Maintaining your stress level could mean the difference between a long and a short life.

#### PART G - Military Leadership.

1. The military profession has no monopoly on leadership. Leaders can be found in every organization regardless of occupation. Progress and success in any worthwhile human endeavor are dependent upon the quality and efficiency of leadership.



2. Leadership involves understanding, analyzing, predicting, and managing human behavior. While the leader need not possess an academic degree in the social sciences, he does need some of that knowledge so he can be a student of human nature. Leadership also involves the will to lead, together with the character that inspires confidence. Undoubtedly, there are certain characteristics in each person that may aid in his development as a leader. Yet, certain people possessing desirable leadership traits may never attain the stature of great leaders.

3. Likewise, those deficient of some of these leadership traits may have attained this stature. Leadership is intangible only to the extent that we wish to make it so. Any reasonably intelligent person, no matter how inexperienced, can become acquainted with the component elements of leadership. These elements must be studied, learned, practiced, and applied just as with any other human accomplishment. Leadership is not inborn or inherited; leadership is a skill or an art which can be learned and mastered. Additional detail on the traits and principles of leadership will be found later in this lesson.

4. When discussing leadership styles, many people focus on the extremes: autocratic and democratic. Autocratic leaders tell people what to do with no explanation; their message is, "I'm the boss; you'll do it because I said so." Democratic leaders use their personalities to persuade subordinates. There are many shades in between; the following paragraphs discuss five of them. However, bear in mind, that competent leaders mix elements of all these styles to match to the place, task, and people involved. Using different leadership styles in different situations or elements of different styles in the same situation isn't inconsistent. The opposite is true: if you can use only one leadership style, you're inflexible and will have difficulty operating in situations where that style doesn't fit.

a. The directing style is leader-centered. Leaders using this style don't solicit input from subordinates and give detailed instructions on how, when, and where they want a task performed. They then supervise the task's execution very closely. This style may be appropriate when time is short and leaders do not have a chance to explain things.

b. The participating style centers on both the leader and the team. Given a mission, leaders ask subordinates for input, information, and recommendations but make the final decision themselves on what to do. This style is especially appropriate for leaders who have time for such consultations or who are dealing with experienced subordinates.

c. The delegating style involves giving subordinates the authority to solve problems and make decisions without clearing them through the leader. Leaders with mature and experienced subordinates or who want to create a learning experience for subordinates often need only to give them authority to make decisions, the necessary resources, and a clear understanding of the mission's purpose.

d. As the name suggests, the transformational style "transforms" subordinates by challenging them to rise above their immediate needs and self-interests. The transformational style is developmental: it emphasizes individual growth (both professional and personal) and organizational enhancement. Key features of the transformational style include empowering and mentally stimulating subordinates: you consider and motivate them first as individuals and then as a group. This style allows you to take advantage of the skills and knowledge of experienced subordinates who may have better ideas on how to accomplish a mission. Leaders who use this

style communicate reasons for their decisions or actions and, in the process, build in subordinates a broader understanding and ability to exercise initiative and operate effectively.

e. In contrast, some leaders employ only the transactional leadership style. This style includes such techniques as—

- (1) Motivating subordinates to work by offering rewards or threatening punishment.
- (2) Prescribing task assignments in writing.
- (3) Outlining all the conditions of task completion, the applicable rules and regulations, the benefits of success, and the consequences—to include possible disciplinary actions—of failure.
- (4) Management -by- exception, where leaders focus on their subordinates' failures; showing up only when something goes wrong.
- (5) The leader who relies exclusively on the transactional style, rather than combining it with the transformational style, evokes only short-term commitment from his subordinates and discourages risk-taking and innovation.

## PART H - Leadership Attributes

Attributes are a person's fundamental qualities and characteristics. People are born with some attributes; for instance, a person's genetic code determines eye, hair, and skin color. However, other attributes, including leader attributes, are learned and can be changed. Leader attributes can be characterized as mental, physical, and emotional. Successful leaders work to improve those attributes.

1. Leaders who demonstrate desirable mental attributes:
  - a. Possess and display will, self-discipline, initiative, judgment, self-confidence, intelligence, common sense, and cultural awareness.
  - b. Think and act quickly and logically, even when there are no clear instructions or the plan falls apart.
  - c. Analyze situations.
  - d. Combine complex ideas to generate feasible courses of action.
  - e. Balance resolve and flexibility.
  - f. Show a desire to succeed; do not quit in the face of adversity.
  - g. Do their fair share.
  - h. Balance competing demands.

- i. Embrace and use the talents of all members to build team cohesion.
2. Leaders who demonstrate desirable physical attributes are qualities a correctional supervisor must possess. One's bearing, good or bad, tends to establish the standard which prisoners emulate. Your carriage should be upright. Your general appearance and the condition of your clothing and equipment should set the example for the rest of your unit. You should show alertness and energy in your actions and movements.
- a. Maintain an appropriate level of physical fitness and military bearing.
  - b. Present a neat and professional appearance.
  - c. Meet established norms of personal hygiene, grooming, and cleanliness.
  - d. Maintain Army height and weight standards (not applicable to DA civilians).
  - e. Render appropriate military and civilian courtesies.
  - f. Demonstrate nonverbal expressions and gestures appropriate to the situation.
  - g. Are personally energetic.
  - h. Cope with hardship.
  - i. Complete physically demanding endeavors.
  - j. Continue to function under adverse conditions.
  - k. Lead by example in performance, fitness, and appearance.
3. Leaders who demonstrate appropriate emotional attributes—
- a. Show self-confidence.
  - b. Remain calm during conditions of stress, chaos, and rapid change.
  - c. Exercise self-control, balance, and stability.
  - d. Maintain a positive attitude.
  - e. Demonstrate mature, responsible behavior that inspires trust and earns respect.
4. Your appearance and manner must depict competence and confidence, sometimes beyond what you actually feel. By controlling your voice and gestures, you can exert a firm and steadying influence over those around you. All good leaders know that their apparent confidence in themselves is reflected in their prisoners. Few things can steady the morale of troops more than the realization that their leader, with full knowledge of the difficulties of a situation, neither looks nor acts worried as, perhaps, he has a right to do. Too much severity and strictness of manner diminish the sympathy and confidence you might have from your prisoners. Frequent irritation and loss of temper indicate lack of self-discipline. One who cannot control himself cannot expect to control others.

5. Language is another of the outward marks by which you will be judged and through which you influence your prisoners. Speak plainly and clearly. Make your sentences short, simple, positive, and direct. If you must use terms that may not be clearly understood, explain their meaning. Avoid talking down to your prisoners.

6. It is the responsibility of the correctional supervisor to make verbal corrections when necessary. These should be direct, dignified, and in moderate language. Immoderate language invariably produces unfavorable results in the individual. To use profane or obscene language, especially in giving orders, is to risk friction, resentment, quarreling, and even insubordination. Personnel resent being sworn at by their seniors. They feel, and rightly so, that the senior has taken unfair advantage of his authority. The same applies to any immoderate language. A bawling out is commonly resented as a personal attack. It is, in fact, more often an expression of anger than a proper correction. The point at issue is obscured and the matter becomes a personal clash between individuals. Basically, profane, obscene, or other immoderate language must not be used or permitted.

7. Criticism or condemnation of an entire group should be particularly avoided. It is not likely that you will ever have a group that will deserve a wholesale reprimand. Nothing creates resentment so readily in a prisoner as to be included unfairly with others who may deserve disciplinary action.

8. A correctional supervisor should be dignified by being worthy or honorable. It requires the control of one's actions and emotions. A correctional supervisor who makes a spectacle of himself through loudness or lack of emotional control quickly loses the respect of prisoners.

9. The leader should have the ability to make decisions promptly and to announce them in a clear confident manner. Many situations have more than one solution. The wise leader gets all the facts, weighs one against the other, and then calmly and quickly arrives at a sound decision.

10. The leader who has a high sense of duty will continually put forth his best efforts in an attempt to achieve the highest standards of performance. He performs his duties to the best of his abilities and does not make excuses for shortfalls.

11. In confinement and correctional facilities, the stakes are too high to place prisoners in the hands of personnel with questionable integrity. Decisions must be made that affect the future lives of prisoners. There must be the assumption that information and reports submitted concerning prisoners are absolutely truthful. There is no compromise. The military profession does not permit the slightest deviation from the highest standards of personal integrity.

12. As a correctional supervisor you may be called upon to render recommendations in matters of clemency and punishment. Your decisions are a test of your fairness. It takes a long time to build up a reputation for being fair. One thoughtless error or injustice can destroy a good reputation that took months to establish.

#### PART- I - Interpersonal Communications (IPC)

1. IPC skills directly influence attitudes and behaviors. To develop these skills you must understand what makes people respond to others and behave as they do. A person's response to another person's behavior can be influenced by age, race, experience, training, the behavior itself,

and when and where the behavior takes place. Understand your own prejudices and experiences and how they can affect your responses. If, for instance, you have children, you might have a strong reaction to an accused child molester; however, we must be professional enough to not allow our personal feelings to get in the way of our official duties. Make careful observation of a person's visible behavior to become aware of the various types of behavior.

2. Body language is a silent communication that physically expresses one's emotional moods and reactions, often without one's awareness. Body language consists of four elements that work together to create an overall expression: facial expressions, gestures, body positions, and body distance.

- a. Facial expressions such as smiles, frowns, lips tightly pressed together and blinking eyes.
- b. Gestures such as tapping fingers, clenching fists, and wringing hands.
- c. Body positions which may include hugging self, crossing arms, and standing with feet braced or continually shifting weight from one foot to the other (fighting stance).
- d. Body distance. For instance, entering another's body space with a jabbing finger or by standing very close while speaking.

3. Nonverbal communication may be part of a nonverbal statement. On the other hand, it may be symbolic of nothing at all. Be careful about placing too much emphasis on the hidden meaning of a nonverbal action unless you can eliminate the possibility that it is simply a natural body reaction. Do not allow habits to dull your sight, distracters to divert your attention, or prejudice to dull your perception. Observe carefully and interpret accurately in order to see results.

4. Observe for behavior that expresses attitude and emotions. This is important to help determine if the detainee is acting normally or to help detect a change in his normal demeanor that could possibly be the beginning of trouble and/or problems. These may be shown through:

- a. Hurt, which can be expressed by embarrassment, withdrawn attitude, a show of grief, or crying.
- b. Anger, which can be shown by aggression; hostility, sarcasm, loud or abusive language; lack of cooperation; a stiff, stony face; a show of resentment; and/or frustration.
- c. Fear, which can be shown by sweating, sickness, running away, freezing in place, nervousness, inability to cooperate physically or mentally, excessive cooperation, and/or submission.
- d. Concern (empathy), which can be shown by offering aid and comfort by word or deed; by listening; and by exhibiting other similar acts of caring.

5. Another element of communication that is often overlooked is the skill of listening. Do not try to dominate the conversation, but listen for new information.

6. Hear all the speaker has to say before you evaluate what has been said. Do not decide a subject is uninteresting. Screen what is said and hope for something worthwhile. When a prisoner tries to tell you why he committed an offense, do not dismiss his comments as exaggerated or untrue. What he tells you may give you an important key to his future behavior.

7. Listen for main ideas, as well as for facts. Do not try to dominate the conversation. Screen for something worthwhile in what is being said.

8. Concentrate on content, not the speaker's delivery. Remember, the message is important, not the way he chooses to deliver it. The detainee may talk in an excited manner, jumping from one idea to another; but what he says is important, not how he says it.

9. Listen to what the speaker has to say before you evaluate what has been said. Don't jump to conclusions or make decisions prior to hearing the entire message.

10. Be a flexible note taker. You do not need to outline everything you hear. Adapt your note taking to the organizational pattern of the speaker. Do not write notes while talking to a prisoner if it makes the prisoner nervous. Write your note immediately after the interview if you cannot take them while he or she is talking.

11. Pay attention. Do not listen passively.

a. Maintain good eye contact.

**NOTE:** In some cultures it is common practice for a man to not make eye contact with a woman. We must be cognizant of this when communicating with a detainee and be able to understand if this may or may not be intended to conceal other disruptive behavior.

b. Maintain good posture (neither too rigid nor too relaxed).

c. Nod your head occasionally to let the speaker know you are paying attention.

d. Maintain natural and relaxed facial expressions.

12. Tune out distractions and interruptions. If you can't hear the speaker, move the conversation to a quieter place.

13. Ignore emotion-laden words or phrases that upset you and disrupt your thought process. Don't get upset over something that is being said and miss the rest of the message. For instance, if a detainee makes an ethnic slur or curses in his message, remain impartial and listen to his story.

14. Listening, like observing, is a fundamental skill. Listening requires more than just the ability to hear. You must also be able to recall all the important verbal clues used by the detainee.

15. Listening helps you to hear the danger signals of detainees when things are still in a verbal stage. If you hear verbal clues in the message, you can take appropriate action to manage situations

before they get out of hand and understand detainees more fully. Listening is effective because the detainee's words provide important information as to what he is thinking and how to work with him.

- a. Any message that a person is trying to get across contains two components:
  - (1) The content of the message (what he is trying to say).
  - (2) The feeling or attitude underlying this content.
- b. In order to get the full understanding of what is being communicated, it is necessary to listen intently to the content and feeling. In some cases, what the individual is saying is not as important as the underlying feeling.
- c. To catch the full flavor or meaning behind the message, one must pay particular attention to the feeling component. The listener should ask himself the following questions:
  - (1) What is he trying to tell me?
  - (2) What does it mean to him?
  - (3) How does he see the situation?
- d. Even though words have specific meanings in the dictionary, do not rely solely on that meaning. Different feelings can give words different meanings.
- e. True meanings of words are affected by: tone of the voice, speed of delivery, degree of loudness or softness, pitch of the voice, and the way words are emphasized. Example: A simple yes can express various feelings such as anger, frustration, resignation, disinterest, agreement, or challenge. Example: A short sentence such as, "I'll do it," can have various meanings such as, "I'll be really happy to do it," or "I'll do it, but it's the last time," or "You always make me do what you want," or "Don't worry, I'll take care of it," or "You are so dumb, I'd better take care of it myself." The true meaning of a message or statement does not reside in words alone.

### SUMMARY

Challenge and opportunity characterize the role of the Army leader. He is challenged by the scope and diversity of his assignments and finds continuing opportunity to assume responsibility and develop resourcefulness. Furthermore, the leader finds an urgent need to use all of his personal resources in perhaps the most demanding of all tasks—the leadership of personnel. Leadership is a quality of particular importance to the correctional supervisor.

Sound and effective leadership is not based on guesswork or on native ability. Its fundamentals can be analyzed and applied by most reasonable, intelligent personnel. Intuitive leadership alone is not sufficient. A leader can and must improve his performance through the study and analysis of his own behavior; he can and must be a student of human nature; he can and must be aware of his responsibilities for developing the leadership skills of his subordinates.

Leadership has been described by some as an art, and while that may well be true, one thing is certain, there are no pat solutions to the complex task of directing human behavior toward

accomplishment of an organization's goals. This lesson has been an attempt to refresh your memory on many of the leadership fundamentals with which you are undoubtedly familiar and to introduce you to many new concepts and approaches recently incorporated into Army doctrine. The effective military leader never ceases to learn and apply new knowledge. Leadership is our responsibility and we must grow to it.

### **Lesson 6 Practice Exercise**

The following questions are multiple choice and/or true/false. You are to select the one that is correct. Show your choice by **CIRCLING** the letter beside the correct choice directly on the page. This is a self-graded lesson exercise. Do not look up the correct answer from the lesson solution sheet until you have finished. To do so may hinder your ability to learn this material. Also, your final examination score will tend to be lower than if you had not followed this recommendation.

1. Which of the following learned needs rates the highest in terms of Maslow's Hierarchy?
  - A. Desire for security.
  - B. Need for belonging and social acceptance.
  - C. Need for self-fulfillment or self-actualization.
  - D. Need for status or prestige.
2. Leadership involves understanding, analyzing, predicting, and managing human behavior.
  - A. True.
  - B. False.
3. Man lives according to that which he perceives to be right. What do we call the code that each individual lives by?
  - A. An attitude set.
  - B. A value system.
  - C. The law.
  - D. A hierarchy of needs.
4. \_\_\_\_\_ include loyalty to one's country, concern for the national welfare, adherence to democratic principles and the American Way, public service, voting, civic responsibility, and free elections.



- A.
  - B. Political Values
  - C.
  - D.
5. Stress can be positive or negative.
- A. True
  - B. False
6. Leaders using this style do not solicit input from subordinates and give detailed instructions on how, when, and where they want a task performed.
- A. Participating
  - B. Delegating
  - C. Directing
  - D. Combined
7. A silent communication that physically expresses one's emotional moods and reactions, often without one's awareness is called:
- A. Stress
  - B. Body Language
  - C. Heredity
  - D. Emotional Characteristics
8. \_\_\_\_\_ is a leadership style that centers on both the leader and the team. Given a mission, leaders ask subordinates for input, information, and recommendations but make the final decision themselves on what to do.
- A. Participating
  - B. Combined
  - C. Delegating
  - D. Directing



## ANSWER KEY AND FEEDBACK

<u>Item</u>	<u>Correct Answer and Feedback</u>
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| 1. | C.        Need for self-fulfillment or self-actualization. |
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Progressing up the hierarchy, the highest human need in Maslow's hierarchy is self-fulfillment (page 98).

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| 2. | A.        True. |
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Leadership involves understanding, analyzing, predicting, and managing human behavior (page 105).

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| 3. | B.        A value system. |
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Values are man's psychological center and form his character. To truly understand a person, it is therefore necessary to identify and be able to understand a person's value system (page 100).

How can values be identified? Personal values are those traits that are representative of an individual's moral character.

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| 4. | B.        Political Values. |
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Political values include loyalty to one's country, concern for the national welfare, adherence to democratic principles and the American Way, public service, voting, civic responsibility, and free elections (page 101).

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| 5. | A.        True. |
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Stress can be positive or negative (page 103).

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| 6. | C.        The directing style. |
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Leaders using this style don't solicit input from subordinates and give detailed instructions on how, when, and where they want a task performed (page 105).

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| 7. | B.        Body language. |
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A silent communication that physically expresses one's emotional moods and reactions, often without one's awareness (page 109).

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| 8. | A.        The participating style. |
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The participating style centers on both the leader and the team. Given a mission, leaders ask subordinates for input, information, and recommendations but make the final decision on what to do themselves (page 105).